



Crl.O.P.(MD) No.12569 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.12569 of 2022

Muruges,

: Petitioner

Vs

**1. The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District.
(Crime No. 13 of 2019).**

2. Arunkumari,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the Charge Sheet in Spl.C.C.No. 45/2020 on the file of the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli in Crime No. 13 of 2019 on the file of the R1 and quash the same as illegal.



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For petitioner : M/s. Venkatesan.R,
For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)
For R2 : Mr.U.Kannan

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in Spl.C.C.No. 45/2020 pending on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, for the offences punishable under Sections 366(A) and 376 of IPC and Sections 3 and 4 of Protection of Child from Sexual Offences Act, 2012, in Crime No.13 of 2019.

2.The case of the prosecution is that the petitioner and the second respondent are close relatives. The petitioner asked her to come to Valliyur. Thereafter, he sexually assaulted her. Hence the second respondent lodged a complaint, for the same, an FIR in Crime No. 13/2019 had been registered. After investigation, charge sheet had been filed and the same had been taken cognizance in Spl.C.C.No. 45/2020, which is pending on the file of the learned Sessions Judge, Special Court



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for POCSO Act Cases, Tirunelveli, for the offences punishable under Sections 366(A) and 376 of IPC and Sections 3 and 4 of Protection of Child from Sexual Offences Act, 2012.

3.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by the learned Counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the



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matter, the High Court has to power to quash the complaint for the offence under Sections Sections 366(A) and 376 of IPC and Sections 3 and 4 of Protection of Child from Sexual Offences Act, 2012.

6. The legal position expressed by the Hon'ble Apex Court in the case of **Gian Singh vs. State of Panjab and another** reported in **(2012)10 SCC 303** and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath**) reported in **(2017)9 SCC 641** were taken into consideration.

7. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Spl.C.C.No. 45/2020, pending on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.C.C.No. 45/2020, pending on the file of the learned Sessions Judge, Special Court for POCSO Act Cases,



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Tirunelveli is quashed and the terms of joint compromise memo shall form part and parcel of this order.

12.07.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
lr

To

1. The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

lr

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