



CrI.O.P.(MD) No.13882 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.13882 of 2022

Arunmano

... Petitioner

Vs.

**1. The Inspector of Police
All Women Police Station
Kadambur**

2. Kavipriya

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to Spl.S.C.No.61 of 2019 on the file of the Special Court for Exclusive Trial of cases under POCSO Act cases, Thoothukudi District.

For Petitioners	: Mr.M.Benazir Begum
For Respondents	: Mr.E.Antony Sahaya Prabahar
No.1	Additional Public Prosecutor
No.2	: Mr. K.Srinivasaragavan



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ORDER

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The Criminal Original Petition has been filed to quash the Charge Sheet in Spl.S.C.No.61 of 2019 on the file of the Special Court for Exclusive Trial of cases under POCSO Act cases, Thoothukudi District. .

2.The case of the prosecution is that the second respondent and the first petitioner got married on 14.03.2022. The petitioner further submits that the defacto complainant is the neighbour of the petitioner and on that blood relation they loved each other and they belong to same community. But due to some mis- understanding between both the family they were unable to marry in time, hence the defacto complainant preferred a case against the petitioner before the respondent police and the respondent police also registered a case in Crime No. 3 of 2019 and after investigation the same was taken cognizance in Spl.S.C.No.61 of 2019.



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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 Mrs.C.Mayilkani, All Women Police Station,Kadambur as well as 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 complainant is the wife and the first accused in the husband and they have compromised the matter out of court and the marriage was also registered on 14.03.2022. Where the parties have compromised the matter, the High Court has to power to



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quash the complaint for the offence under Sections 5(l), 6 of POCSO Act, 2012 and Sections 294(b), 450 and 506(ii) of IPC.

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 Gujrat** 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.S.C.No.61 of 2019 on the file of the Special Court for Exclusive Trial of cases under POCSO Act cases, Thoothukudi District 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.S.C.No.61 of 2019 on the file of the Special Court for Exclusive Trial of cases under POCSO Act cases,



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

10.08.2022

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

1. The Special Court for Exclusive Trial of cases under POCSO Act cases, Thoothukudi District.
2. The Inspector of Police
All Women Police Station
Kadambur
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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