



Crl.O.P.(MD) No.14151 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14151 of 2022

and

Crl.M.P(MD)No.9095 of 2022

Kalimuthu,

: Petitioner

Vs

1. The State represented by
The Inspector of Police,
Seethaparpanallur Police Station,
Tirunelveli.
Crime.No.130 of 2017.

2. Alagumuthu,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the impugned Charge Sheet in Spl.S.C.No. 99 of 2019 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli District and quash the same.

For petitioner
For R1

: M/s Anbarasu.D,
: Mr.A.Albert James,
Government Advocate (Crl.Side)



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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. 99 of 2019 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli District, for the offences punishable under Section 366 IPC and Section 12 of Protection of Child from Sexual Offences Act, 2012 in Crime No.130/2017.

2.The case of the prosecution is that the petitioner and defacto complainant loved each other. On knowing this, the defacto complainant arranged marriage for his daughter with some other person. Therefore, she went away from her house and after attaining age of majority, she married the petitioner. Meanwhile, the defacto complainant lodged a complaint against the accused person.

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.



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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 Mr.Ramakrishnan, HC of Police, Seethaparpanallur Police Station, Tirunelveli 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 dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Section 366 IPC and Section 12 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**



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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.S.C.No. 99 of 2019 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli 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. 99 of 2019 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli District is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

12.08.2022

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

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To

1.The Inspector of Police,
Seethaparpanallur Police Station,
Tirunelveli.

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



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V.SIVAGNANAM, J.

lr

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