



CrI.O.P.(MD) No.14005 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.14005 of 2022

and

CrI.M.P(MD)No.9213 of 2022

Surendran,

: Petitioner

Vs

1.State represented through
The Inspector of Police,
All Women Police Station,
Ambasamuthiram All Women Police Station,
Tirunelveli District.

2. Xxxxx,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records connected with the Impugned Charge Sheet in Spl.CC.No.122 of 2019, on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli and quash the same as illegal.



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For petitioner : M/s.Vignesh A,
For R1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
For R2 : Mr.S.Ramesh Kumar

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in Spl.CC.No.122 of 2019, on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli, for the offences punishable under Section 368(A) IPC and Section 6 of Protection of Child from Sexual Offences, Act, 2012 in Crime No.160 of 2016.

2.The case of the prosecution is that based on the complaint lodged by the defacto complaint, an FIR in Crime No.160 of 2016 had been registered. After investigation, charge sheet had been filed before the Mahila Court, Tirunelveli and the same was taken on file as Spl.C.No. 111 of 2018. Then, it was transferred to the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli and the same was



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taken cognizance as Spl.C.C.No.122 of 2019, for the offences punishable under Section 368(A) IPC and Section 6 of Protection of Child from Sexual Offences, Act, 2012

3.The victim is present before this Court and stated that she married the accused person and out of their wedlock, two children were born. She informed that the defacto complainant/father of the second respondent and her mother died.

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

5. 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.S.Prasanth, Gr-I of Police, Cheranmahadevi Police



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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.

6. 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 power to quash the complaint for the offence under Section 368(A) IPC and Section 6 of Protection of Child from Sexual Offences, Act, 2012.

7. 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.

8. 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.CC.No.122 of 2019, on the file of the Special



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Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.CC.No.122 of 2019, on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

05.08.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To
1. The Inspector of Police,
All Women Police Station,
Ambasamuthiram All Women Police Station,
Tirunelveli District.

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

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V.SIVAGNANAM, J.

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