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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14614 of 2022
and
Crl.M.P(MD) No.9457 of 2022

K.Ranjith ... Petitioner/ Sole Accused

Vs

1. The State Represented by
   The Inspector of Police,
   Sivagiri Police Station,
   Tenkasi District.
   (Crime No.260 of 2018) .... 1st Respondent /Complainant

2. R.Thangarasu ... 2nd Respondent/Defacto Complainant

3. R.Thangamuneeswari ... 3rd Respondent/ Victim Girl

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to quash the charge sheet in Spl.C.C.No.107 of 2019, on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli District, on the basis of Compromise Memo dated 25.07.2022.

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For Petitioner : Mr.R.L.Dhilipan Pandian

For R1 : Mr.A.Albert James
Government Advocate (Crl Side)

For R3 : Mr.D.Rajaboopathy

O R D E R

This Criminal Original Petition has been filed to quash the Charge Sheet in Spl.C.C.No.107 of 2019, on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli District, in Crime No.260 of 2018, for the offences punishable under Sections 376 & 366 I.P.C., and 6 & 5(1) POCSO Act, 2012 on the file of Sivagiri Police Station, Tenkasi District.

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

3. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the third respondent and also

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by their respective counsel. The petitioner and the third respondent were also present in person before this Court and they were identified by the learned Government Advocate and Mr.N.Selvakrishnan, SSI - 1814, Sivagiri Police Station, Tenkasi District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. In the instant case, the petitioner and the victim girl were married and to that effect marriage certificate, dated 23.06.2022 also filed before this Court. 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 offences punishable under Sections 376 & 366 I.P.C., and 6 & 5(1) POCSO Act, 2012.

5. 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.

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6. 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.107 of 2019, pending before the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli District, even though, the offences involved are not compoundable in nature.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.C.C.No.107 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, the connected Miscellaneous Petition is closed.

16.08.2022

Internet:Yes./No
Index:Yes/no
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To

1. The Sessions Judge,
   Special Court for POCSO Act Cases,
   Tirunelveli District.

2. The Inspector of Police,
   Sivagiri Police Station,
   Tenkasi District.

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

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V.SIVAGNANAM, J.

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ORDER IN
CRL.O.P (MD) No.14614 of 2022

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