



Crl.O.P.(MD) No.15244 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.15244 of 2022

Ashok

...Petitioner/sole accused

VS.

1. The State represented by the
Inspector of Police,
All Women Police Station,
Nanguneri, Tirunelveli District.
in Crime No.357 of 2020

...1st respondent/Complainant

2. Gomathi @ Komu

...2nd Respondent/Defacto
Complainant

3. Umamaheswari

...3rd Respondent/Victim

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records and quash the charge sheet in Spl. C.C.No.
121 of 2021 on the file of the Principal District and Session Court,
Tirunelveli, in connection with Crime No.357 of 2020 on the file of the
1st respondent police.



Crl.O.P.(MD) No.15244 of 2022

For Petitioner : Mr.S.Sathya Chidambaram
For R-1 : Mr.Albert James
Government Advocate (crl. side)
For R-2 & R-3 : Mr.B.Santhanam Rajesh Kumar

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in Spl. C.C.No.121 of 2021 pending on the file of the Principal District and Session Court, Tirunelveli, for the offences punishable under Sections 5(1) & 6 of POCSO Act, in Crime No.357 of 2020.

2. The case of the prosecution is that the victim went to one Forest area with the petitioner and both were stayed for two days at that time the petitioner had sexual intercourse with the victim girl. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the victim girl married the accused and now they are living together.



Crl.O.P.(MD) No.15244 of 2022

WEB COPY

4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the respondent Nos.2 & 3 and also by their respective counsel. The petitioner and the respondent Nos.2 & 3 were also present in person before this Court and they were identified by Mr.M.Sudalaimuthu, Gr.I 972, Nanguneri AWPS, 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 Sections 5(1) & 6 of POCSO Act.

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.



Crl.O.P.(MD) No.15244 of 2022

WEB COPY

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.121 of 2021 pending before the learned Principal District and Sessions Court, 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.121 of 2021, on the file of the Principal District and Sessions Court, Tirunelveli, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

25.08.2022

Internet: Yes
Index: Yes/No
ksa



WEB COPY



Crl.O.P.(MD) No.15244 of 2022

To

1. The Principal District and Sessions Court,
Tirunelveli.
2. The Inspector of Police,
All Women Police Station,
Nanguneri, Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



WEB COPY



Crl.O.P.(MD) No.15244 of 2022

V.SIVAGNANAM, J.

ksa

Crl.O.P.(MD) No.15244 of 2022

25.08.2022