



Crl.O.P.(MD)No.22761 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.22761 of 2022

1.Suthan @ Hariharasuthan

2.Subash Kannan

3.Sudhakar @ Suthakaran

... Petitioners/Accused 1 to 3

Vs.

1.The Deputy Superintendent of Police,
Kanniyakumari Sub Division,
Kanniyakumari District.

2.State rep. by its

The Inspector of Police,
AWPS – Kanniyakumari,
Kanniyakumari District,
in Crime No.9 of 2017.

... 1st & 2nd Respondents/Complainant

3.XXXXXX

Tirunelveli District.

... 3rd Respondent/Defacto Complainant

4.XXXXXX

Tirunelveli District.

... 4th Respondent/Victim

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Spl.S.C.No.15 of 2019 on the file of the Special Court for the Exclusive trial of POCSO Act Cases, Nagercoil, Kanniyakumari and quash the same against the petitioners.



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For Petitioners : Mr.J.Pooventhera Rajan
For R1 & R2 : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)
For R3 & 4 : Mr.R.Ponkarthikeyan

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.15 of 2019 on the file of the Special Court for the Exclusive trial of POCSO Act Cases, Nagercoil, Kanniyakumari.

2.The contention of the petitioners is that based on the complaint lodged by the 3rd respondent, the 2nd respondent registered the First Information Report in Crime No.9 of 2017 for the offences punishable under Sections 11(5) & 12 of the POCSO Act, Section 3(1)(w)(ii) of SC/ST (POA) Amendment Act, 2015 and Section 506(i) of IPC, against the petitioners.

3.The further contention of the petitioners is that they compromised the issue with the 3rd respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioners and the respondents 3 & 4 and also by their respective counsels.



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4.The petitioners and the respondents 3 & 4 appeared before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the learned Government Advocate (Crl. side) and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded. The 4th respondent has now attained majority and stated that no other trouble was made by the petitioner and no other serious allegations are made.

5.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 21.12.2022, this Court is of the opinion that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in Spl.S.C.No.15 of 2019 pending on the file of the learned Special Court for the Exclusive trial of POCSO Act Cases, Nagercoil, Kanniyakumari, is quashed and the compromise memo is recorded.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in Spl.S.C.No.15 of 2019, pending on the file of the learned Special Court for the Exclusive trial of POCSO Act Cases,



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Nagercoil, Kanniyakumari, is hereby quashed in respect of the petitioners and the terms of joint compromise memo shall form part of this order.

22.12.2022

Index : Yes/No

Internet : Yes/No

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To

- 1.The Sessions Judge, Special Court for the Exclusive trial of POCSO Act Cases, Nagercoil, Kanniyakumari
- 2.The Deputy Superintendent of Police,
Kanniyakumari Sub Division, Kanniyakumari District.
- 3.The Inspector of Police, AWPS – Kanniyakumari,
Kanniyakumari District,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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