



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1112 of 2023

and

Crl.M.P.No.608 of 2023

K.Parameswaran

... Petitioner

Vs.

1. The Inspector of Police,
Podhanur Police Station,
Crime No.654 of 2021,
Coimbatore City,
Coimbatore District.

2. Nivetha

3. Baladuraisamy
VAO of Kurichi Village,
Madukarai Taluk,
Coimbatore District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the criminal case in Spl.SC.No.216 of 2022 on the file of the learned Sessions Judge,



Principal Special Court for Exclusive trial of Cases under POCSO Act,
Coimbatore quash the same by allowing this Criminal Original petition.

For Petitioner : Mr.N.Manoharan

For Respondent No.1 : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Spl.SC.No.216 of 2022 on the file of the learned Sessions Judge, Principal Special Court for Exclusive trial of Cases under POCSO Act, Coimbatore.

2. The case is still at the stage of trial. The parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The Affidavit has been filed before this Court which has been signed by the defacto complainant and also by her respective counsel. The petitioner and the second respondent were also present in person



before this Court and they were identified by Mr.A.Manonmani, Sub Inspector of Police, Podhanur Police Station. In the Affidavit, it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in Spl.SC.No.216 of 2022. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. The victim girl “X” was present before this Court along with her parents along with child aged about 1 ½ years. She stated that she had a love affair with the petitioner and that a child was also born and was named as “Tharunesh”. She further stated that she is now living with the petitioner and she is being supported by her parents Ranganathan and Suguna. The parents were also present before this Court and they have also stated that their daughter is happily living with the petitioner. The petitioner was also present before this Court. Taking to consideration the facts and circumstances of the case and the specific stand taken by the parties, no useful purpose will be served in keeping the proceedings pending, even though, the offences involved are not



WEB COPY

compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.SC.No.216 of 2022 on the file of the learned Sessions Judge, Principal Special Court for Exclusive trial of Cases under POCSO Act, Coimbatore.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.SC.No.216 of 2022 on the file of the learned Sessions Judge, Principal Special Court for Exclusive trial of Cases under POCSO Act, Coimbatore, is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

31.07.2023

Index : Yes/No



Speaking order:Yes/No
Neutral citation:Yes/No

WEB COPY rka

To

- 1.The Inspector of Police,
Podhanur Police Station,
Crime No.654 of 2021,
Coimbatore City,
Coimbatore District.
2. Baladuraisamy
VAO of Kurichi Village,
Madukarai Taluk,
Coimbatore District.
3. The Public Prosecutor
Madras High Court, Madras.



WEB COPY



N.ANAND VENKATESH, J

rka

Crl.O.P.No.1112 of 2023
and
Crl.M.P.No.608 of 2023



WEB COPY



31.07.2023