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Crl.O.P No.18792 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18792 of 2023

and

Crl.M.P.No.12567 of 2023

J.Ragul
S/o.Joseph

... Petitioner

vs.

1.The State represented by
The Inspector of Police,
W-16, AWPS, Pulianthope,
Chennai - 12.

2.Devi
W/o.Baskar

3.B.Manju Sri
D/o.Baskar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records and quash the proceedings in Spl.S.C.No.34/2022 pending on the file of Sessions Judge, Magalir Neethimandram, Allikulam, Chennai, for offences u/s.5(1), j(ii), (n) r/w 6 of POCSO Act, 2012.



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For Petitioner : Mr.G.R.Hari
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.34 of 2022 pending on the file of Sessions Judge, Magalir Neethimandram, Allikulam, Chennai.

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

3. A Joint Compromise Memo dated 02.12.2022 signed by the petitioner, *de facto* complainant and the victim has been filed before this Court. A compromise affidavit has been filed by the second respondent/de-facto complainant before this Court. The petitioner and second respondent were also present in person before this Court and they were identified by Ms.D.Sumathi, Woman Special Sub-Inspector of Police, All Women Police Station, Pulianthope, Chennai [98402 08987]. In the affidavit, it has been stated that the petitioner and the second



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respondent have entered into a compromise and amicably settled their issues in Spl.S.C.No.34 of 2022 pending on the file of Sessions Judge, Magalir Neethimandram, Allikulam, Chennai.

4. This Court also enquired both the parties. The victim girl was present before this Court and she stated that her date of birth is 05.03.2004 and the petitioner is none other than her mother's brother's son and that all arrangements are being made to get her married to the petitioner. The second respondent/mother of the victim girl has also stated that she is no longer interested in prosecuting the case and that arrangements are being made to get her married to the petitioner.

5. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not 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**



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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 case in Spl.S.C.No.34 of 2022 pending on the file of Sessions Judge, Magalir Neethimandram, Allikulam, Chennai.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.34 of 2022 pending on the file of Sessions Judge, Magalir Neethimandram, Allikulam, Chennai, is quashed and the terms of Joint Compromise Memo dated 02.12.2022 and the terms of affidavit shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

22.08.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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To

- 1.The Sessions Judge,
Magalir Neethimandram,
Allikulam, Chennai.
- 2.The Inspector of Police,
W-16, AWPS, Pulianthope,
Chennai - 12.
- 3.The Public Prosecutor,
High Court of Madras.



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N. ANAND VENKATESH., J

gm

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