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Crl.O.P.No.5575 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5575 of 2021

B.Balaji

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Reddichavadi Police Station,
Cuddalore District.
(Crime No.137/2019)

2.V.Muthuvel

... Respondents

PRAYER:- Criminal Original Petition filed under Section 482 of Cr.P.C.
praying to call for the records relating to the Spl. Sessions case No.105 of 2019
pending on the file of Sessions Judge, Special Court for Exclusive Trial of
Cases, under POCSO Act, Cuddalore and to quash the same.

For Petitioner : Mr.S.Indrajith

For R1 : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings
in Spl.Sessions case No.105 of 2019 pending on the file of Sessions Judge,
Special Court for Exclusive Trial of Cases, under POCSO Act, Cuddalore.



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

3. Affidavits of the accused and his mother dated 27.03.2021 and the affidavits of the defacto complainant and the victim dated 19.10.2023 have been filed before this Court which have been signed by them and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card are made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. The victim deposed that the petitioner and the victim got married and they are living happily. The second respondent is also present before this Court and he has no objection to quash the proceedings, since the victim and the petitioner got married and are living happily.

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



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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)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceeding in Spl.Sessions case No.105 of 2019 pending on the file of Sessions Judge, Special Court for Exclusive Trial of Cases, under POCSO Act, Cuddalore.

6. This Criminal Original Petition stands allowed, by quashing the proceedings in Spl.Sessions case No.105 of 2019 pending on the file of Sessions Judge, Special Court for Exclusive Trial of Cases, under POCSO Act, Cuddalore and the affidavits filed by the accused and his mother dated 27.03.2021 and the affidavits filed by the defacto complainant and the victim dated 19.10.2023 shall form part and parcel of this Order.

20.10.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Sessions Judge, Special Court
for Exclusive Trial of Cases under POCSO Act,
Cuddalore.
- 2.The Inspector of Police,
Reddichavadi Police Station,
Cuddalore District.
- 3.The Public Prosecutor,
High Court, Madras.

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20.10.2023