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CrI.O.P No.17083 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.17083 of 2023

Vinithkumar
S/o.Balasubramaniam

... Petitioner

VS.

State by:

1. Inspector of Police,
Kinathukadavu Police Station,
Kinathukadavu,
Coimbatore.

2. Ganga
W/o. Vinithkumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the entire records connected with the case in Spl.S.C.No.183 of 2022 on the file of Principal Special Court for POCSO Act, Coimbatore and quash the same.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER



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This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.183 of 2022 on the file of Principal Special Court for POCSO Act, Coimbatore.

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 15.07.2023 signed by both the petitioner and *de facto* complainant 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 Mr.T.Ramalingam, Special Sub-Inspector of Police, Kinathukadavu Police Station, Coimbatore District. In the affidavit it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Spl.S.C.No.183 of 2022 on the file of Principal Special Court for POCSO Act, Coimbatore.

4. This Court also enquired both the parties. The victim girl stated



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that her date of birth is 04.06.2005 and she married the petitioner and through the marriage, there is a female child named Gopika, aged about 1½ years. The child was also present along with the petitioner and second respondent. She stated that both the families have agreed to the marriage and that she is now living happily with the petitioner. She categorically stated that she does not want to prosecute this case any further. This Court was satisfied that the parties have come to an amicable settlement between themselves.

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 v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ CrI 10**, this Court in exercise of its jurisdiction under Section 482

N. ANAND VENKATESH., J



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Cr.P.C. quashes the case in Spl.S.C.No.183 of 2022 on the file of Principal Special Court for POCSO Act, Coimbatore.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.183 of 2022 on the file of Principal Special Court for POCSO Act, Coimbatore, is quashed and the terms of affidavit shall form part and parcel of this order.

28.07.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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To
1.The Principal Special Court for POCSO Act,
Coimbatore.

2.The Inspector of Police,
Kinathukadavu Police Station,
Kinathukadavu,
Coimbatore.

3.The Public Prosecutor,
High Court of Madras,
Madras.

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