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Crl.O.P.No.16809 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16809 of 2023

Janakiraman

.. Petitioner

Versus

**1. The Inspector of Police,
All Women Police Station,
Gingee, Villupuram.**

2. J.Parasakthi

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records of the Special S.C.No.115 of 2019 on the file of the Court of Sessions Judge, Special Court for Exclusive Trial of cases under the POCSO Act, Villupuram and quash the same.

For Petitioner : Mr.N.Suresh

**For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for R1**

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in Spl.S.C.No.115 of 2019 on the file of



Crl.O.P.No.16809 of 2023

Sessions Judge, Special Court for Exclusive Trial of cases under the POCSO Act, Villupuram and quash the same.

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. The affidavit, dated 08.06.2023 of the second respondent / de-facto complainant and joint memo of compromise entered into between the parties have been filed before this Court. The victim girl, Parasakthi was present before the Court. She stated that she married the petitioner on 08.02.2023 and the marriage certificate has also been filed. There are two children born to the petitioner and the second respondent. The name of the first child is Yogesh, aged about 4 1/2 years and the name of the second child is Gunanidhi, aged about 1 1/2 years. Both the children were present at the time of hearing. She stated that she is now living happily with the petitioner and that the family of both the sides have recognised the marriage. She stated that she does not want to prosecute this case.



Crl.O.P.No.16809 of 2023

WEB COPY

4. 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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in Spl.S.C.No.115 of 2019, pending on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under the POCSO Act, Villupuram.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.115 of 2019, pending on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under the POCSO Act, Villupuram 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



Crl.O.P.No.16809 of 2023

Neutral Citation : yes/no
grs

To

1. The Sessions Judge,
Special Court for Exclusive Trial of cases
under the POCSO Act, Villupuram.
2. The Inspector of Police,
All Women Police Station,
Gingee, Villupuram.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.16809 of 2023

N.ANAND VENKATESH, J.

grs

Crl.O.P.No.16809 of 2023

28.07.2023