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CrI.O.P.No.16071 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.16071 of 2023

and

CrI.M.P.No.10093 of 2023

V.Dhinakaran

...Petitioners

vs.

1.State Rep by,
The Inspector of Police,
Olakkur Police Station,
Tindivanam Taluk,
Villupuram District 604 305,
Crime No.119 of 2019

2.A.Sumathi

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in Spl.S.C.No.123 of 2019 on the file of Special Court of Trial of Offences under POCSO Act, Villupuram and quash the same.

For Petitioners : Mr.J.Agni Selvaraju
For Respondents : Mr.A.Gopinath,
Government Advocate, for R1



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ORDER

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These Criminal Original Petitions have been filed to call for the records pertaining to the proceedings in Spl.S.C.No.123 of 2019 on the file of Special Court of Trial of Offences under 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 joint compromise memo has been filed before this Court, which was signed by the petitioner and the second respondent and their respective counsel. The petitioner and second respondent were present before this Court. In the aforesaid memo, it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in Spl.S.C.No.123 of 2019 on the file of Special Court of Trial of Offences under POCSO Act, Villupuram. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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4. Further, The victim girl/Saranya was present before this Court. She stated that her date of birth was on 11.07.2003. She further stated that she was married to the petitioner in the year 2022 and that she is now carrying a child. She further stated that she is now living in her matrimonial home happily and hence she categorically stated that the case may be closed.

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 Cr.P.C. quashes the case in Spl.S.C.No.123 of 2019 on the file of Special Court of Trial of Offences under POCSO Act, Villupuram.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.123 of 2019 on the file of Special Court of Trial of Offences under POCSO Act, Villupuram, is quashed and the terms of affidavit shall form part and parcel of this order. No cost. Consequently, the connected



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miscellaneous petition is also closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa

To

1.The Inspector of Police,
Olakkur Police Station,
Tindivanam Taluk,
Villupuram District 604 305,
Crime No.119 of 2019

2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N. ANAND VENKATESH, J.

nsa

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and CrI.M.P.No.10093 of 2023

24.07.2023