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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16717 of 2023
and Crl.M.P No.10729 of 2023

1.Madhan Kumar

2.Murugammal

3.Lakshmikantham @ Lakshmi

... Petitioners

VS.

1.State represented by
The Inspector of Police,
All Women Police Station,
Coimbatore District.

2.Backiyalakshmi
Social Welfare Officer,
District Social Office.
Collectorate Office,
Coimbatore District.

3.Sivagami

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the charge sheet proceedings initiated by the 1st respondent/The Inspector of Police, All Women Police Station, Perur, Coimbatore District in Crime No.04 of 2020 in



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Spl.C.C.No.84 of 2021 on the file of the learned Mahila Court, Coimbatore for an alleged offence under Section 5(l), 5(j)(ii), 6, 17 of POCSO Act, 2012 & Sec 9 and 10 of Prohibition of Child Marriage Act, 2006, Sec 3(1)(w)(i) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 and Sec 366 of IPC, 1860.

For Petitioner : Mr.S.Jessy Monica

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

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in Spl.C.C.No.84 of 2021, pending on the file of learned Mahila Court, Coimbatore 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. A compromise affidavit has also been filed by the victim girl before this Court. The petitioners and 3rd respondent were also present in person before this Court and they were identified by Ms.V.Janaki, SSI(W), All Woman Police



Station, Coimbatore. In the affidavit it has been stated that the petitioners and the 3rd respondent have entered into a compromise and amicably settled their issues in Spl.C.C.No.84 of 2021. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The victim girl Sivagami/3rd respondent was present before this Court and she is stated that her date of birth is 18.02.2004. She further stated that she had an affair with the 1st petitioner and she was married to him on 22.02.2020 and through the wedlock, there is a girl child named Kanishri aged about 2 ½ years. The child was also present at the time of hearing. The mother of the 1st petitioner and also the mother of the victim girl were also present at the time of hearing. They all stated that the 1st petitioner and the victim girl are living happily in the matrimonial home.

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



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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.C.C.No.84 of 2021 pending on the file of learned Mahila Court, Coimbatore.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.C.C.No.84 of 2021, pending on the file of learned Mahila Court, Coimbatore is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

27.07.2023

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

To

1.The Mahila Court, Coimbatore.

2.The Social Welfare Officer,
District Social Office.
Collectorate Office,
Coimbatore District.



3. The Inspector of Police,
All Women Police Station,
Coimbatore District.

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



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N. ANAND VENKATESH., J

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