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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16146 of 2023
and Crl.MP.No.10157 of 2023

Mr.M.Senthilkumar
S/o.Muniyandi

.. Petitioner/Sole
Accused

vs.

1.State of Tamil Nadu
Inspector of Police
All Women Police Station
Gingee, Villupuram Dt.

2.K.Moorthy, 42 years
S/o.Kathavarayan

..2nd Respondent/
De fact Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to charge sheet in Spl.SC.No.82 of 2022, on the file of learned District Sessions Court for POCSO Act Cases, Villupuram and quash the same.

For Petitioner : Mr.A.Manojkumar

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

ORDER



The Criminal Original Petition has been filed to quash the proceedings in Spl.SC.No.82 of 2022, pending on the file of learned District Sessions Court for POCSO Act Cases, Villupuram.

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.Joint Memo of Compromise and affidavit of the 2nd respondent dated 27.06.2023, has been filed before this Court which have been signed by the petitioner and the 2nd respondent/de facto complainant and also by their respective counsel. The victim girl - Kalaiselvi, was also present before this Court and she was identified by M.Mariyammal, W.G1 858, Gingee, AWPS (Mobile No.9498134106) . It is brought to the notice of this Court the petitioner and the victim girl got married. The petitioner and the second respondent were also present in person before this Court. In the joint compromise memo it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in Spl.SC.No.82 of 2022, pending on the file of learned District Sessions Court for POCSO Act Cases, Villupuram. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in Spl.SC.No.82 of 2022, pending on the file of learned District Sessions Court for POCSO Act Cases, Villupuram.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in in Spl.SC.No.82 of 2022, pending on the file of learned District Sessions Court for POCSO Act Cases, Villupuram, is quashed and the terms of joint compromise memo and the affidavit of the 2nd respondent, shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

20.07.2023

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

N. ANAND VENKATESH, J.
kp



To

WEB COPY

1. Inspector of Police
All Women Police Station
Gingee, Villupuram District.
2. District Sessions Court for POCSO Act Cases,
Villupuram.
3. The Public Prosecutor,
Puducherry.

Crl.O.P No.16146 of 2023

20.07.2023