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Crl.O.P.No.16769 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.16769 of 2023

Vasanth

.. Petitioner

Versus

1. Inspector of Police,
Vazhapadi Police Station,
Vazhapadi,
Salem - 636 115.

2. Srimathi Vasanth

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records, quash the proceedings in Spl.S.C.No.220 of 2022 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Salem.

For Petitioner : Mr.M.R.Thangavel
for Mr.P.Muthukumarasamy

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.220 of 2022 on the file of the



Crl.O.P.No.16769 of 2023

WEB COPY

Special Court for Exclusive Trial of Cases under POCSO Act, Salem 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 of the mother of the victim has been filed before this Court. The victim girl Srimathi was present at the time of hearing. She stated that the petitioner is none other than her maternal uncle and she had an affair with him. She gave birth to a female child named Sahanasri who is aged 1 1/2 years and presently she is again pregnant. She stated that the complaint was given only because of the pressure exhorted by the family members. She further stated that she is now living with the petitioner happily and that she does not want to prosecute this case.

4. The mother of the victim girl namely Gauthami was also present before this Court and she confirmed the statement made by the de-facto complainant. She also stated that they are not interested in prosecuting the petition.



Crl.O.P.No.16769 of 2023

WEB COPY

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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in Spl.S.C.No.220 of 2022, pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Salem.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.220 of 2022, pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Salem 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



Crl.O.P.No.16769 of 2023

To

1. The Special Court for Exclusive Trial of Cases
under POCSO Act, Salem.
2. The Inspector of Police,
Vazhapadi Police Station,
Vazhapadi,
Salem - 636 115.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.16769 of 2023

N.ANAND VENKATESH, J.

grs

Crl.O.P.No.16769 of 2023

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