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CrI.O.P.No.17207 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.17207 of 2023

K.Murugavel

...Petitioners

vs.

1.The State rep by
The Inspector of Police
All Women Police Station,
Tiruvannamalai District.
(Crime No.16 of 2019)

2.M.Sharmila

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Special S.C.No.6 of 2020 on the file of the Special Court for trial of POCSO cases, Tiruvannamalai and quash the proceedings on the ground of compromise.

For Petitioners : Mr.M.Rebecca

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

Ms.S.Suganya, for R2



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the proceedings in Special S.C.No.6 of 2020, pending on the file of the learned Special Court for trial of POCSO cases, Tiruvannamalai 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 Memo of Compromise and the affidavit of second respondent have been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present before this Court. In the joint compromise memo, it has been stated that the petitioners and the second respondent had entered into a compromise and amicably settled their issues in Special S.C.No.6 of 2020. 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.The victim girl, Sharmila, was present before this Court and she stated that her date of birth was on 19.05.2002 and she was married to the petitioner on 08.05.2022. She further stated that she is now living happily with the petitioner. The mother of the victim girl, namely Manju, was also present before this Court and she confirmed what was stated by her daughter. The petitioner was also present before this Court along with his father, Karthikeyan.

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 Special S.C.No.6 of 2020, pending on the file of the learned Special Court for trial of POCSO cases, Tiruvannamalai.

6. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Special S.C.No.6 of 2020, pending on the file of the learned Special Court for trial of POCSO cases, Tiruvannamalai, is quashed and



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the terms of affidavit shall form part and parcel of this order. No cost.

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

To

- 1.The Special Court for trial of POCSO cases,
Tiruvannamalai
- 2.The Inspector of Police
All Women Police Station,
Tiruvannamalai District.
(Crime No.16 of 2019)
- 3.The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J.

nsa

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