



Crl.O.P No.17057 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17057 of 2023

and

Crl.M.P.No.10954 of 2023

Muthukumar
S/o.Moorthi

... Petitioner

VS.

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

2.M.Karthika
W/o.M.Muthukuar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Spl.C.C.No.48 of 2021 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and quash the same.

For Petitioner : Mr.A.Saravanan

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



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.C.C.No.48 of 2021 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

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 Joint Compromise Memo signed by both the petitioner and *de facto* complainant has been filed before this Court. A compromise affidavit has been filed by the second respondent/de-facto complainant before this Court. The petitioner and second respondent were also present in person before this Court and they were identified by Mr.S.Sadasivam, Head Constable 1975, E2 Peelamedu Police Station, Coimbatore City. In the affidavit it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Spl.C.C.No.48 of 2021 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

4. This Court also enquired both the parties. The victim girl stated



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that her date of birth is 21.02.2000 and she married the petitioner and through the marriage, there is a male child named Sathish, aged about 2½ years. The child was also present along with the petitioner and second respondent. She stated that both the families have agreed to the marriage and that she is now living happily with the petitioner. She categorically stated that she does not want to prosecute this case any further. This Court was satisfied that the parties have come to an amicable settlement between themselves.

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

N. ANAND VENKATESH., J



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Cr.P.C. quashes the case in Spl.C.C.No.48 of 2021 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.C.C.No.48 of 2021 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

28.07.2023

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

To

- 1.The Special Court for Exclusive Trial of Cases under POCSO Act,
Coimbatore.
- 2.The Inspector of Police,
All Women Police Station East,
Coimbatore City, Coimbatore District.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

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