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Crl.O.P No.17775 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17775 of 2023

Raju

S/o.Perumal @ Manayan

... Petitioner

vs.

1.The State rep by

The Inspector of Police,
All Women Police Station,
Tambaram, Chengalpattu District.
(Crime No.12 of 2019)

2.Sankar

S/o.Lakshmanan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Spl.S.C.No.37 of 2021 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu and quash the same.

For Petitioner : Mr.G.Mageshkumar

For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in Spl.S.C.No.37 of 2021, pending on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu 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 Joint Memo of Compromise dated 19.07.2023 signed by both petitioners and second respondent/*de facto* complainant and their respective counsel has been filed before this Court. A compromise affidavit has also 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 Ms.S.Devi, WHC, W-3, AWPS, Vandalur.

4. This Court enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The victim



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girl Divya was present before this Court and she stated that her date of birth is 19.09.2004. She further stated that she got married to the petitioner and has a daughter named Slivya, aged about one and half years. The child was also present at the time of hearing. She stated that both the families have accepted the marriage and that she is now living happily with the petitioner.

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.37 of 2021, pending on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.37 of 2021, pending on the file of Special Court



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N. ANAND VENKATESH, J.

rsi

for Exclusive Trial of Cases under POCSO Act, Chengalpattu, is quashed and the terms of affidavit shall form part and parcel of this order.

11.08.2023

(1/2)

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

To

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

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