



Crl.O.P.No.17774 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17774 of 2023

and

Crl.M.P.No.11675 of 2023

L.Raji @ Ananthan

...Petitioners

vs.

1.The State rep by
Sub Inspector of Police,
Polur Police Station,
Thiruvannamalai District.

2.G.Elumalai

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Spl.S.C.No.141 of 2019 on the file of the learned Session Court, Special Court for Exclusive Trial of Cases under POSCO Act, Thiruvannamalai and quash the same.

For Petitioners : Mr.B.Sundarapandiyan

For Respondents : Mr.A.Gopinath
Government Advocate



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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.141 of 2019, pending on the file of Sessions Court, Special Court for Exclusive trial of cases under POCSO Act, 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 the 2nd respondent have been filed before this Court which have been signed by the petitioner and the 2nd respondent and also by their respective counsel. The petitioner and the second respondent were also present 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.S.C.No.141 of 2019. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. Further, the victim girl, Rajeswari, who was present before this Court,



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has stated that she was married to the petitioner and to substantiate the same, their marriage certificate was also produced before this Court. She further stated that she has a girl child, named Kanishka, aged about one year and she is now living with the petitioner happily. She has also stated that both the families have now accepted the marriage and hence, she is not interested in prosecuting the case. The father of the victim girl, Elumalai, who has filed an affidavit, also stated that this criminal prosecution can be closed.

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.141 of 2019, pending on the file of Sessions Court, Special Court for Exclusive trial of cases under POCSO Act, Tiruvannamalai.

6.This Criminal Original Petition stands allowed and as a sequel, the



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proceedings in Spl.S.C.No.141 of 2019, pending on the file of Sessions Court,

Special Court for Exclusive trial of cases under POCSO Act, Tiruvannamalai is quashed and the terms of affidavit shall form part and parcel of this order.

Consequently, connected miscellaneous petition is closed. No cost.

03.08.2023

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

To

1.The Sub Inspector of Police,
Polur Police Station,
Thiruvannamalai District.

2.The Public Prosecutor,
Madras High Court,
Chennai 600 104..



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N. ANAND VENKATESH, J.

nsa

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