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Crl.O.P. No.18675 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.18675 of 2023

S.Prathap,
S/o.Kumar

... Petitioner

vs.

1. The State rep. by
The Inspector of Police,
Gingee Police Station,
Villupuram District.
(Crime No.662/2020)

2. Elumalai,
S/o.Subramani

3. Ramya Gowri,
W/o.Prathap

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in Spl.SC.No.170 of 2022 on the file of the Special Court for POCSO Act Cases, Villupuram and quash the same.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.Side] [R1]
Mr.C.Munusamy [R2]
Mr.E.Viswanathan [R3]



ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.SC.No.170 of 2022 pending on the file of the Special Court for POCSO Act cases, Villupuram.

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 affidavit has been filed by both the petitioner and the respondents before this Court. The petitioner and the victim girl were also present in person before this Court and they were identified by Mr.K.Navaneethakrishnan, Sub-Inspector of Police, Gingee Police Station, Villupuram. In the affidavit, it has been stated that the petitioner and the victim girl have entered into a compromise and amicably settled their issues in Spl.SC.No.170 of 2022 pending on the file of the Special Court for POCSO Act Cases, Villupuram. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. The victim girl was present before this Court and she has stated that



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she married the petitioner on 06.09.2000 and they have a girl child viz., Koshikasree and the child was also brought to this Court. She has stated that now she is happily live with the petitioner and she has further stated that her parents were not accepting the marriage and she had no talking terms with her parents.

5. The learned counsel for the second respondent submits that the second respondent is not willing to compromise this dispute and contend that the petitioner has to face the trial.

6. 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 Guj Rath)** 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.SC.No.170 of 2022 pending on the file of the Special Court for POCSO Act, Villupuram.

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



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proceedings in Spl.S.C.No.170 of 2022 pending on the file of the Special

Court for POCSO Act, Villupuram is quashed and the terms of affidavit shall

form part and parcel of this order.

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Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

mp

To

1.The Special Court for POCSO Act,
Villupuram.

2. The Inspector of Police,
Gingee Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J

mp

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