



WEB COPY



Crl.O.P No.18985 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18985 of 2023
and Crl.MP.No.19694 of 2023

1.Siva @ Sivakumar,(M/A-28)
S/o.Venkatesan

2.Jeyammal (F/A-65)
W/o.Venkatesan

3.Lakshmi (F/A-52)
W/o.Nagaraj

... Petitioner/Accused

vs.

1.The Inspector of Police
Alandurai Police Station
Coimbatore District.
(Crime No.22 of 2022)

..1st Respondent/Complainant

2.Manimegalai
S/o.Siva @ Sivakumar

...2nd Respondent/De facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating the case in Spl.SC.No.177 of 2022, on the file of the Special Court for Exclusive Trial of Cases under Pocso Act, Coimbatore herein and quash the same.



WEB COPY



Crl.O.P No.18985 of 2023

For Petitioner : Mr.K.Muthurakkan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1

Mr.D.Arulprakash
Antony Prabhu
for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.SC.No.177 of 2022, pending on the file of the 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 Memo of Compromise dated 21.08.2023 signed by both petitioners and second respondent/*de facto* complainant and their respective counsel has been filed before this Court. The petitioners and second respondent were also present in person before this Court. In the affidavit, it has been stated



that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Spl.SC.No.177 of 2022, pending on the file of the Special Court for Exclusive Trial of Cases under Pocso Act, Coimbatore

4. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The victim girl was present before this Court she stated that the 1st petitioner is none other than the son of her father's sister and the marriage was conducted considering the fact that the mother became very ill. She further submitted that there is a child born to her with the 1st petitioner named Pirajin, aged about 1 ½ year and the child was also present before this Court. The victim girl and her mother Lakshmi stated that they are not interested in proceeding further in this case. The victim girl stated that she is living happily with the 1st 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 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



Crl.O.P No.18985 of 2023

in **(2019) 2 MLJ Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C, quash the proceedings in Spl.SC.No.177 of 2022, pending on the file of the Special Court for Exclusive Trial of Cases under Pocso Act, Coimbatore.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.SC.No.177 of 2022, pending on the file of the 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.

23.08.2023

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



Crl.O.P No.18985 of 2023

WEB COPY

To

- 1.The Inspector of Police
Alandurai Police Station
Coimbatore District.
- 2.The Special Court for Exclusive Trial of Cases
under Pocso Act, Coimbatore.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



WEB COPY



Crl.O.P No.18985 of 2023

N. ANAND VENKATESH., J
KP

Crl.O.P No.18985 of 2023

23.08.2023