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Crl.O.P.No.18713 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18713 of 2023
and Crl.M.P.No.12461 of 2023

Kaviyaran

.. Petitioner

Versus

1. The State Rep. by
The Inspector of Police,
Kalambur Police Station,
Kalambur,
Tiruvannamalai District.

2. Ravichandran

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Special S.C.No.40 of 2021 pending on the file of the Special Court for Trial of Cases under POCSO Act, Tiruvannamalai and quash the same.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)
for R1

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.40 of 2021 on the file of Special Court for 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 affidavit of the victim girl, dated 05.08.2023 has been filed before this Court. The victim girl, Nirosha, was present through Video Conferencing mode at the time of hearing. She stated that her date of birth is 13.11.2004 and that she married the petitioner on 15.11.2022 and she gave birth to a child this month on 08.08.2023. She stated that she is living happily with the petitioner and the family of the petitioner has accepted the marriage. She further stated that her family did not support the marriage. At the time of hearing, she was taking treatment at the Primary Health Centre, Vadamathimangalam. The parties are identified by Mr.M.Prabhakaran, Sub-Inspector of Police, Kalambu Police Station, Tiruvannamalai district.



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4. 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.40 of 2021, pending on the file of the Special Court for Trial of Cases under POCSO Act, Tiruvannamalai.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.40 of 2021, pending on the file of the Special Court for Trial of Cases under POCSO Act, Tiruvannamalai is quashed and the terms of affidavit of the victim girl shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

17.08.2023

Index : yes/no
Speaking order/Non-speaking order



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Neutral Citation : yes/no
grs

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To

1. The Special Court for Trial of Cases under POCSO Act,
Tiruvannamalai.
2. The Public Prosecutor,
High Court of Madras.
3. The Inspector of Police,
Kalambur Police Station,
Kalambur,
Tiruvannamalai District.



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N.ANAND VENKATESH, J.

grs

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