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CrI.O.P No.18109 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.18109 of 2023

R.Deepak

... Petitioner

VS.

1.State by

The Inspector of Police,
All Women Police Station,
Central, Coimbatore City.
(Crime No.17 of 2021)

2.S.Varshini

D/o.Sivakumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the Spl.S.C.No.49 of 2023 on the file of Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore as against the petitioner.

For Petitioner : Mr.K.R.Ramesh Kumar

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

For Respondent-2 : Mr.A.Jagadeesh Chandra Bose



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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.49 of 2023, pending on the file of Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore 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 04.08.2023 signed by both petitioner 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.K.Surya, WPC, All Women Police Station, Central Coimbatore City (Mob: 9498208152). 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.S.C.No.49 of 2023.



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4. The victim girl Varshini was present before this Court. She stated that her date of birth is 24.12.2004. She further stated that she got married to the petitioner and she is now living happily with the petitioner. It was further stated that both the families have now accepted the marriage and she is not interested in prosecuting the case any further. The mother of the victim girl viz., Radha was also present and she also concurred with what was stated by her daughter.

5. The petitioner who married the second respondent was also present along with his mother Nirmala Bai. They stated that the petitioner and the second respondent are now living happily.

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 Gujrath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v.**



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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.49 of 2023, pending on the file of Principal 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.S.C.No.49 of 2023, pending on the file of Principal 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.

11.08.2023

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



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To

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- 1.The Principal Special Judge,
Special Court for Exclusive Trial of
Cases under POCSO Act, Coimbatore.
- 2.The Inspector of Police,
All Women Police Station,
Central, Coimbatore City.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH, J.

rsi

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