



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.18647 of 2023

and

CrI.M.P No.12443 of 2023

Gurumanikandan

...Petitioner

Vs.

1.The State Represented by
The Inspector of Police,
AWPS – East Police Station,
Coimbatore City.
(Crime No.53 of 2021)

2.Usha

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in connection with charge sheet in Spl.S.C.No.157 of 2022 on the file of the Learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and Quash the same.



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

ORDER

This petition has been filed to quash the proceedings pending in Spl.S.C.No.157 of 2022 on the file of the Learned 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. The parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. It is brought to the notice of this Court that the second respondent is now living with the petitioner. The second respondent was also present before the Court and she stated that she is living with the petitioner for more than three years and there is also a child born named as Kavi Nila. The child was also present before this Court. The mother of the second respondent Nagamani stated that her daughter and petitioner



are living happily and she is no more interested in prosecuting this case.

They were identified by Mr.Akila, Grade I, AWPS East, Coimbatore City.

The petitioner and the 2nd respondent stated that they entered into a compromise and amicably settled their issues in Spl.S.C.No.157 of 2022.

This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. Taking to consideration the facts and circumstances of the case and the specific stand taken by the parties, no useful purpose will be served in keeping the proceedings 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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.S.C.No.157 of 2022 on the file of the Learned Principal Special Court for Exclusive Trial of



Cases under POCSO Act, Coimbatore.

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5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.157 of 2022 on the file of the Learned 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. Consequently, the connected miscellaneous petition is closed.

21.08.2023

Index: Yes/No
Internet: Yes/No
rka/mkn-ii

To

1. The Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore,
2. The State Represented by
The Inspector of Police,
AWPS – East Police Station,
Coimbatore City.
3. The Public Prosecutor,
High Court, Madras

N.ANAND VENKATESH.J.,



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