



WEB COPY



Crl.O.P.No.19734 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19734 of 2023

1. AjithKumar

2. Baskar

3.Subramaniyan

4.Sakthivel

5.Ganesan

..... Petitioners

Vs.

1. The State of Tamilnadu
Rep. By The Inspector of Police,
Thiyagadurgam Police Station,
Kallakurichi T.K. and District.

2. A.Amirthavalli

... .. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the Charge sheet in Spl.S.C.No.10/2022 pending on the file of Sessions Court For POCSO Act Cases, Villupuram.



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For Petitioners : Mr.R.Agilesh
For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The Criminal Original Petition has been filed to quash the Charge sheet in Spl.S.C.No.10 of 2022 pending on the file of the learned Sessions Court for POCSO Act Cases, Villupuram.

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. The Victim girl was present before this Court and she stated that her Date of Birth is 19.04.2006 and she was aged about 17 years. She further stated that she is now studying B.A English first year in a College. The Victim girl made it clear that she had a love affair with the first petitioner and that she is no more interested in having relationship with the first petitioner and she wants to study further and settle down in her life.



4. The second respondent, who is the mother of the victim girl stated that she is not interested in prosecuting this case. She further stated that the victim girl is now taken care by her and she is now studying in the College and the victim girl is not interested in marrying the first petitioner even in future.

5. Under such circumstances, 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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.S.C.No.10 of 2022 pending on the file of the learned Sessions Court for POCSO Act Cases, Villupuram.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.10 of 2022 pending on the file of the learned



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Sessions Court for POCSO Act Cases, Villupuram, is quashed and the terms of affidavit shall form part and parcel of this order.

07.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
rka/dpa
To

1. The State of Tamilnadu
Rep. By The Inspector of Police,
Thiyagadurgam Police Station,
Kallakurichi T.K. and District.
2. The Public Prosecutor
High Court of Madras,
Madras.



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N.ANAND VENKATESH, J

rka/dpa

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