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Crl.O.P No.18843 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.18843 of 2023

and

Crl.M.P.No.12616 of 2023

S.Pandiyan

S/o.Selvam

... Petitioner

vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Ulundurpet, Villupuram District.
Crime No.15 of 2019

2.K.Manoshiya

D/o.Kathavarayan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to the criminal case in Spl.S.C.No.27 of 2020 on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Villupuram and quash the same.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side] [R1]



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ORDER

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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 compromise affidavit has 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.P.Awjalakshi, Special Sub-Inspector of Police, All Women Police Station, Ulundurpettai, Kallakurichi District. In the affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Spl.S.C.No.27 of 2020 on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Villupuram.



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4. This Court also enquired both the parties. The victim girl stated that the petitioner is her distant relative and she had a love affair with him. Subsequently, she got married to the petitioner in the year 2001 and now she is living happily with the petitioner. She further stated that both the families have accepted their marriage and she is no longer interested in prosecuting the case.

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 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 case in Spl.S.C.No.27 of 2020 on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Villupuram.



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This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.27 of 2020 on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Villupuram, 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
gm



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To

- 1.The Sessions Judge,
Special Court for Exclusive Trial of Cases
under the POCSO Act, Villupuram.
- 2.The Inspector of Police,
All Women Police Station,
Ulundurpet, Villupuram District.
Crime No.15 of 2019
- 3.The Public Prosecutor,
High Court of Madras.



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N. ANAND VENKATESH., J

gm

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