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CrI.O.P. No.19741 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P. No.19741 of 2023

and

CrI.M.P.No.13375 of 2023

1.Perashanth @ Prashanth,
S/o.Elumalai.

2. Indhara @ Indhira Gandhi
W/o.Elumalai

... Petitioners

VS.

1. The State rep. by its.
Inspector of Police,
Thirukoilur Police Station,
Villupuram District.

2. Mrs.Abirami

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records and quash the entire proceedings in Spl.S.C.No.111 of 2020 pending trial before the Special Court for The Exclusive Trial of POCSO Act case, Villupuram.

For Petitioners : Mr.G.Saravanabhavan

For Respondents : Mr.A.Gopinath

Government Advocate [CrI.Side] [R1]



ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.111 of 2020 pending on the file of the Special Court for The Exclusive Trial of POCSO Act case, Villupuram.

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 compromise affidavit has been filed by both the parties before this Court. The petitioners and the second respondent were also present in person before this Court and they were identified by C.Solai, Special Sub-Inspector of Police, Thirukoilur Police Station, Villupuram District. 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.111 of 2020 pending on the file of Special Court for The Exclusive Trial of POCSO Act case, Villupuram. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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4. The victim girl was present before this Court and she has stated that she married the first petitioner and throughout the marriage she has a 7 year old boy viz., Mithreswaran. She has further stated that both her father and mother died and that she is now happily live with the first petitioner and his family members. She has stated that she does not prosecute the case further.

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 Gujraath)** 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.SC.No.111 of 2020 pending on the file of the Special Court for The Exclusive Trial of POCSO Act case, Villupuram.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.SC.No.111 of 2020 pending on the file of Special Court for The Exclusive Trial of POCSO Act case, Villupuram is quashed and the terms



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of affidavit shall form part and parcel of this order. Consequently, connected

miscellaneous petition is closed.

31.08.2023

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

mp

To

- 1.The Special Court for The Exclusive Trial of POCSO Act case,
Villupuram.
2. The Inspector of Police,
Thirukoilur Police Station,
Villupuram District.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J

mp

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