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Crl.O.P No.20753 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.20753 of 2023

and

Crl.M.P.Nos.14199 & 14201 of 2023

K.Silambarasan

... Petitioner/Accused

vs.

State through

1.The Inspector of Police,

W-10, AWPS Flower Bazaar Police Station,

Chennai – 600 003.

(Crime No.9 of 2021)

2.V.Fathimacecily

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Spl.S.C.No.11 of 2023 on the file of the learned Sessions Judge, Magalir Neethimandram (Additional Special Court for Exclusive trial of Cases under POCSO Act), Chennai – 600 003 and quash the same.

For Petitioner : Mr.R.Ganesh Kumar

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

For Respondent-2 : Mr.A.Vinoth Kumar



Crl.O.P No.20753 of 2023

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.11 of 2023 on the file of the learned Sessions Judge, Magalir Neethimandram (Additional Special Court for Exclusive trial of Cases under POCSO Act), Chennai 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 28.08.2023 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.G.Lakshmi, WSSI, W-10 AWPS (Mob: 9498133236). In the affidavit it has been stated that the petitioner and the



CrI.O.P No.20753 of 2023

WEB COPY

second respondent have entered into a compromise and amicably settled their issues in Spl.S.C.No.11 of 2023 on the file of the learned Sessions Judge, Magalir Neethimandram (Additional Special Court for Exclusive trial of Cases under POCSO Act), Chennai.

4. The victim was present before this Court and she stated that she married the petitioner on 18.01.2021 and through the marriage, there is a child named Nelson, aged about 1 ½ years. The child was also brought along with the petitioner and second respondent. She categorically stated that she is not interested in prosecuting the case and both the families have agreed to the marriage.

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



Crl.O.P No.20753 of 2023

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.S.C.No.11 of 2023 on the file of the learned Sessions Judge, Magalir Neethimandram (Additional Special Court for Exclusive trial of Cases under POCSO Act), Chennai.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.11 of 2023 on the file of the learned Sessions Judge, Magalir Neethimandram (Additional Special Court for Exclusive trial of Cases under POCSO Act), Chennai, is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

08.09.2023

Index : Yes/No

Speaking Order/Non-Speaking Order

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Crl.O.P No.20753 of 2023

WEB COPY

To

1.The Inspector of Police,
W-10, AWPS Flower Bazaar Police Station,
Chennai – 600 003.

2.The Public Prosecutor,
High Court of Madras,
Madras.



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Crl.O.P No.20753 of 2023

N. ANAND VENKATESH, J.

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