



Crl.O.P.No.22046 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.22046 of 2023
and Crl.M.P.No.15278 of 2023**

Suresh

.. Petitioner

Versus

**1. State represented by
The Inspector of Police,
All Women Police Station,
Vandalur,
Chennai.
(Crime No.69 of 2018)**

2. Manjusha @ Manjula

.. 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.21 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu and quash the same.

For Petitioners : Mr.R.Dilli Kumar

**For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side)
for R1**



Crl.O.P.No.22046 of 2023

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ORDER

The Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.21 of 2023 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu.

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. The affidavit, dated 15.09.2023 of the second respondent / de-facto complainant and the joint compromise memo have been filed before this Court. The victim girl named Keerthana is present before this Court. She stated that her date of birth is 10.04.2000. She further stated that her mother is now being treated for Cancer and that after normalcy is restored, she is going to marry the petitioner. She further stated that she is not interested in prosecuting this case any further. She came along with her mother who is the de-facto complainant and the mother of the victim girl also stated that she is not interested in prosecuting the case.



Crl.O.P.No.22046 of 2023

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4. 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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in Spl.S.C.No.21 of 2023 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.21 of 2023 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu is quashed and the terms of affidavit of the second respondent / de-facto complainant shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

27.09.2023

Index : yes/no
Speaking order/Non-speaking order



Crl.O.P.No.22046 of 2023

Neutral Citation : yes/no
grs

To

1. The Special Court for Exclusive Trial of Cases
under POCSO Act, Chengalpattu.
2. The Inspector of Police,
All Women Police Station,
Vandalur, Chennai.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.22046 of 2023

N.ANAND VENKATESH, J.

grs

Crl.O.P.No.22046 of 2023
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