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Crl.O.P.No.22144 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.9.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.22144 of 2023

Karthik

...Petitioner/Sole Accused

Vs.

1.State rep. by
The Inspector of Police,
All Women Police Station,
Ammamet, Salem.

..1st respondent/Complainant

2. Indhira

.....2nd respondent /Defacto complainant

Criminal Original Petition under Section 482 of the Code of Criminal Procedure praying to call for the records relating to the complaint in Spl. S.C.No111 of 2022 on the file of Special Court for Exclusive Trial of cases under POCSO Act, Salem and quash the 5(j) (ii), 6 of Protection of Children from Sexual Offences Act, 2012, Section 9 of the Child Marriage Restraint Act, 1929 and Section 366 of IPC.

For Petitioner : Mr.R.Prabakar

For Respondent-1 : Mr.A.Gopinath, GA (Crl.Side)



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for R1
M/s.Sugapriya for R2
ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in SC No.111 of 2022 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Salem.

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 between themselves.

3. The victim girl/ Indhira was present before this Court at the time of hearing through video conferencing and she stated that she married the petitioner and she is now living happily with the petitioner and she further stated that she is not interested in prosecuting this case any further.

4. A Joint Affidavit of compromise dated 15.9.2023 signed by both the petitioner as well as the second respondent has been filed before this



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Court. The petitioner and the second respondent are also present in person before this Court and they are identified by Mr.S.Lakshmi, All Women Police Station, Ammapet, Salem. In the affidavits, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in SC No.111 of 2022 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Salem. This Court has also enquired both the parties and is satisfied that the parties have arrived at an amicable settlement between themselves.

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 in the case of ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath [reported in 2017 (9) SCC 641]*** and after exercising due caution as advised by the Hon'ble Supreme Court in the case of ***State of Madhya Pradesh Vs. Dhruv Gurjar and Another [reported in (2019) 2 MLJ (Crl.) 10]***, this Court, in exercise of its jurisdiction under Section 482 of the Criminal Procedure Code, quashes the case in SC No.111 of 2022 on the



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file of the Special Court for Exclusive Trial of cases under POCSO Act,
Salem.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in SC No.111 of 2022 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Salem , is quashed. The terms of the joint Affidavit of compromise dated 15.9.2023 shall form part and parcel of this order.

26.9.2023

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

To

1.The Special Court for Exclusive Trial of cases under POCSO Act, Salem

2.State rep. by

The Inspector of Police,
All Women Police Station,
Ammamet, Salem.

3.The Public Prosecutor,
High Court, Madras.

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