



Crl.O.P.No.22206 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.22206 of 2023
and Crl.M.P.No.15438 of 2023**

Dharmaraj

.. Petitioner

Versus

**1. The State Rep by
Sub-Inspector of Police,
Thudialur Police Station,
Coimbatore District.**

2. Sivakumar.R

3. S.Revathi

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call the records and quash the proceedings in Spl.S.C.No.23 of 2022 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore for offences under 366, 376(3) of I.P.C and under Section 5(j)(ii), 5(I) and 6 of POCSO Act, 2012.

For Petitioners : M/s.Deepanuday

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



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for R1

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ORDER

The Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.23 of 2022 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

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 affidavits, dated 13.09.2023 of the second respondent / de-facto complainant and the victim girl and joint memo of compromise entered into between the parties have been filed before this Court. The victim girl is present before this Court. She stated that she married the petitioner on 03.09.2023 and that she is living happily with the petitioner. She came along with her father who is the de-facto complainant. The father, Sivakumar stated that he is no longer interested in prosecuting the case.

4. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not



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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.23 of 2022 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.23 of 2022 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore is quashed and the terms of affidavits of the second respondent / de-facto complainant as well as the victim girl 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
Neutral Citation : yes/no
grs



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To

1. The Special Court for Exclusive Trial of Cases
under POCSO Act, Coimbatore
2. The Sub-Inspector of Police,
Thudialur Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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