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Crl.O.P.No.22331 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.22331 of 2023

Pasupathi @ Bahavan

.. Petitioner

Versus

1. State rep. by
The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.
[Crime No.91 of 2021]

2. Lakshmanan

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the pending trial in Spl.S.C.No.45 of 2023 on the file the Additional Special Court for Trial of Cases under POCSO Act, Coimbatore and quash the same.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

The Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.45 of 2023 on the file the Additional Special Court for 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, 20.09.2023 of the second respondent / de-facto complainant and the victim girl have been filed before this Court. The victim girl is present before this Court. She stated that her date of birth is 25.01.2005. She further stated that she got married the petitioner and through the marriage, there is a child named Vikranth, aged about 1 1/2 years. The child is also present before this Court. She came along with her father and both of them stated that they are no longer interested in prosecuting this case.



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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.45 of 2023 on the file the Additional Special Court for 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.45 of 2023 on the file the Additional Special Court for Trial of Cases under POCSO Act, Coimbatore is quashed and the terms of affidavits of the second respondent / de-facto complainant and the victim girl shall form part and parcel of this order.

27.09.2023

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



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Neutral Citation : yes/no
grs

To

1. The Additional Special Court for Trial of Cases under POCSO Act, Coimbatore.
2. The Inspector of Police,
Vadavalli 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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