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Crl.O.P.No.32344 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.32344 of 2022
and Crl.M.P.No.19947 of 2022

D.Rajaprakash

.. Petitioner

Versus

1. The State
Rep by Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.

2. Rajasekar .. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the charge sheet filed in Spl.S.C.No.15 of 2022 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore and quash the same.

For Petitioner : Mr.S.C.Vishwanth

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor
for R1



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ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in Spl.S.C.No.15 of 2022 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore 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. The affidavit, dated 31.07.2023 of the second respondent / de-facto complainant and deed of compromise entered into between the parties have been filed before this Court. The parties are also present in person before this Court and they are identified by Mr.L.Premkumar, Sub-Inspector of Police, Kadampuliyur Police Station, Cuddalore District. In the affidavit, it has been stated that the parties have entered into a compromise and amicably settled their issues in Spl.S.C.No.15 of 2022. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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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.15 of 2022, pending on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.15 of 2022, pending on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore 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.

21.08.2023



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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

To

1. The Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore.
2. The Public Prosecutor,
High Court of Madras.
3. The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.



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N.ANAND VENKATESH, J.

grs

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