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Crl.O.P.No.1707 of 2023

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.1707 of 2023

Sathishprabu

.. Petitioner

Versus

1. The state Represented by,
The Inspector of Police,
AWPS - Cuddalore,
Cuddalore District.
(Crime No.13 of 2021)

2. Mugila

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in Special Sessions Case No.78 of 2022 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore and quash the same.

For Petitioner : M/s.N.U.Pressanna

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

ORDER

The Criminal Original Petition has been filed to call for the records pertaining to the proceedings in Spl.S.C.No.78 of 2022 on the file of the



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learned Sessions Judge, 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 17.12.2022 of the second respondent / de-facto complainant has been filed before this Court. The victim girl is present before this Court along with her mother, Senthamizh and stated that her date of birth is 18.10.2004 and that she got married to the petitioner and there is a girl child through the petitioner named Rashmitha, aged about 1 1/2 years. The child is also present before this Court. The mother of the victim girl also stated that they are not interested in prosecuting this case.

4. The petitioner is also present along with his mother, Balayi.

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



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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.78 of 2022, pending on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.78 of 2022, pending on the file of the learned Sessions Judge, 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.

21.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



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N.ANAND VENKATESH, J.

grs

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases
under POCSO Act, Cuddalore.
2. The Inspector of Police,
AWPS - Cuddalore,
Cuddalore District.
3. The Public Prosecutor,
High Court of Madras.

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