



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.4598 of 2023

Perumal : Petitioner/Accused

Vs.

1.State through,
The Inspector of Police,
Sedapatti Police Station,

2.xxxxx : Respondents/Complainants

Prayer: Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to call for the records in Special SC No.131 of 2018 on the file of the Principle Special Court for Exclusive Trial of cases under POCSO Act, Madurai and quash the same.

For Petitioner : Mr.J.Gunaseelanmuthiah

For 1st Respondent : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)

For 2nd Respondent/
Victim : Mr.K.Mariappan

O R D E R

This criminal original petition is filed seeking quashment of the case in Special SC No.131 of 2018 on the file of the Principle Special Court for Exclusive Trial of cases under POCSO Act, Madurai.

2.The case of the prosecution in brief:-

The victim girl was studying 12th standard in the Government Higher Secondary School, Sedapatti. When she was staying in her uncle's house, the accused was in love with her. But the victim girl did not accept the above said proposal. Because of the above said, the accused used to make some trouble to the victim girl during the night hours. On 25/02/2018, when the victim girl was alone in the garden area, the accused followed her, abused her in filthy



language, tied her hands with shawl and compelled her to cohabit for marriage. He also threatened that otherwise, she will be killed. When the neighbours came to that place on hearing this noise, the accused ran away from that place. On the basis of the above said occurrence, a case in Crime No.38 of 2018 was registered for the offences under sections 294(b), 342, 506(i) and sections 11(1) and 12 of the Protection of Child from Sexual Offence Act, 2012. After completing the formalities of investigation, final report was filed and it was taken cognizance in Special SC No.131 of 2018 by the trial court.

3. Seeking quashment of the same, this petition has been filed on the ground that there was a compromise between the victim and the petitioner.

4. Heard sides.

5. The victim girl was present before this court and also stated that she made compromise with the accused. A joint compromise memo is also filed.

6. Now the question, which arises for the consideration is whether such nature of offence can be quashed on the basis of the compromise reached between the parties.

7. The age of the victim girl is not clear on record. She has simply stated that she was studying 12th Standard in the Government Higher Secondary School. It is further seen that the trial has already commenced before the trial court and 3 witnesses have been examined as early as on 21/12/2021. When the trial is on the midway, this petition has been filed, on 06/03/2022. When the trial has already commenced and 3 witnesses have also been examined, quashment of the criminal proceedings on the basis of the compromise, may not be proper. It was also submitted that now the victim girl got married some other boy and living.

8. Now whatever, it may be, since trial commenced, the trial must be taken in its logical conclusion. As mentioned earlier, in the midway of the trial process, quashment of the case is not permissible.

9. In the result, this criminal original petition is **dismissed**. Let the trial process completed by the concerned trial court within a period of four months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar()

// True Copy //

/07/2023

Sub Assistant Registrar(CS)



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To,

1.The Principal Special Court for
Exclusive trial of cases under
POCSO Act, Madurai.

2.The Inspector of Police,
Sedapatti Police Station,
Madurai. District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.GUNASEELAN MUTHIAH, Advocate (SR-30190[F] dated
23/06/2023)

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22.06.2023

MK/11.07.2023 3P 5C