



Crl.O.P.(MD)No.9158 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.(MD)No.9158 of 2023

S.Benadic Amala Kishore

...Petitioner

Vs.

1.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.608 of 2020)

..1st respondent/complainant

2.B.Pachavarnam

...2nd respondent/defacto
complainant

3..XXXXXX

...3rd respondent/victim

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Spl.S.C.No.1 of 2021 pending on the file of the District and Sessions POCSO Court, Sivagangai District and quash the same.

For Petitioner	: Mr.K.Dinesh
For R-1	: Mr.M.Sakthi Kumar
	Government Advocate (Crl. side)
For R2	: Mr.Meena

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.1 of 2021, on the file of the District and



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Sessions POCSO Court, Sivagangai District for the offence under Sections 5(1), 6 of Protection of Children from Sexual Offences Act, 2012.

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. To that effect, a Joint Memo of Compromise signed by the petitioner and the second and third respondents and also by their respective counsel has also been filed before this Court and the same is recorded.

3.The petitioner/defacto complainant is the mother of the victim girl. The petitioner, the second respondent and the victim girl along with her child were also present in person before this Court and they were identified by the concerned Police Official. The victim girl and the defacto complainant submitted that the victim girl is living with her husband/second respondent peacefully along with her child and the defacto complainant is not willing to proceed the case further in view of the settlement reached between the parties. 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 proceedings 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)*, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in Spl.S.C. No.1 of 2021 pending on the file of the District and Sessions POCSO Court, Sivagangai District.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.1 of 2021, on the file of the District and Sessions POCSO Court, Sivagangai District, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

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Index: Yes/No
Internet: Yes/No
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To

- 1.The District and Sessions POCSO Court, Sivagangai District
- 2.The Inspector of Police,
TTW Tirunelveli City Police Station,
In Crime No.133/2023,
Tirunelveli City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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T.V.THAMILSELVI, J.,

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