



Crl.O.P.(MD)No.9180 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.(MD)No.9180 of 2023

and

Crl.M.P.(MD)Nos.7507 and 7511 of 2023

- 1.Sudalaimani @ Magesh
- 2.Selvaraj
- 3.Vellaiammal
- 4.Muniyandi
- 5.Vijayar

...Petitioners

Vs.

- 1.State rep by
The Inspector of Police,
All Women Police Station,
Sankarankovil, Tenkasi District.
In Crime No.8 of 2022

- 2.Ponrani

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Spl.C.C.No.127 of 2022 on the file of the Special Court for trial of Cases under POCSO Act, Tirunelveli dated 23.11.2022 and quash the same as illegal and violation of law.

For Petitioner
For R-1

: Mr.T.Kanagaraj
: Mr.M.Sakthi Kumar

Government Advocate (Crl. side)



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ORDER

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The Criminal Original Petition has been filed to quash the proceedings in Spl.C.C.No.127 of 2022, on the file of the Special Court for trial of cases under POCSO Act, Tirunelveli District for the offence under Sections 6, 5(i), 5(j)(ii), 17 and 5(n) of Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006.

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. The victim girl had also filed an affidavit to that effect and the same is recorded.

3. The petitioner and the victim girl were also present in person before this Court and they were identified by the concerned Police Official. The victim girl submitted that she is living with her husband peacefully along with her child and she 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.C.C. No.127 of 2022 pending on the file of the Special Court for trial of cases under POCSO Act, Tirunelveli District.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.C.C.No.127 of 2022, on the file of the Special Court for trial of cases under POCSO Act, Tirunelveli District, is quashed and the terms of affidavit filed by the victim girl shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

18.05.2023

Index: Yes/No
Internet: Yes/No
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T.V.THAMILSELVI, J.,

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To

- 1.The Special Court for trial of cases under POCSO Act,
Tirunelveli 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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18.05.2023