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CrI.O.P.No.2430 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 07.02.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**CrI.O.P.No.2430 of 2024**

**And**

**CrI.M.P.No.1730 of 2024**

Suriyaprakash @ Suriya

... Petitioner

Vs.

1.State Represented by  
The Inspector of Police  
Nettapakkam Police Station,  
Puducherry.  
Crime No.136 of 2022

2.Kamatchi

... Respondents

**Prayer:**

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in Spl.S.C.No.182 of 2023 pending on the file of the Hon'ble Special Judge under POCSO Act – 2012 at Puducherry, quash the same.

For Petitioner : M/s.Swamisubramanian  
For Respondents : Mr.K.S.Mohandoss for R1  
Public Prosecutor (P)

**O R D E R**



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The criminal original petition has been filed seeking to call for the records pertaining to the proceedings in Spl.S.C.No.182 of 2023, pending on the file of the Special Judge under POCSO Act – 2012 at Puducherry 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 victim girl was present before this Court. She stated that her date of birth is 28.01.2007. She further stated that the petitioner is her distant relative and that from her young age, it was decided between the families that she will marry the petitioner. She further stated that after she attains majority, she will marry the petitioner. The victim girl came along with her mother who is the defacto complainant. She also stated that she is not interested in prosecuting this case and requested this Court to close the case. The petitioner was present before this Court along with his mother Vijayalakshmi.

4.The Joint Memo of Compromise dated Nil January, 2024 has been filed before this Court which has been signed by the petitioner



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and the second respondent and also by the learned counsel for the second respondent. The petitioner and the second respondent were also present in person before this Court. In order to identify the respective parties they have also produced the copies of the Aadhaar Card and they are made part of the record. In the joint compromise memo it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in Spl.S.C.No.182 of 2023. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

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 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 Vs. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in Spl.S.C.No.182 of 2023 pending on the file of the Special Judge under POCSO Act – 2012 at



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Puducherry.

**N.ANAND VENKATESH,J.**  
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6.This criminal original petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.182 of 2023 on the file of the Special Judge under POCSO Act – 2012 at Puducherry, is quashed and the terms of the Joint Memo of Compromise shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

07.02.2024

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Index: Yes/ No  
Speaking Order: Yes/ No  
NCC: Yes/ No

To

- 1.The Special Judge under POCSO Act – 2012 at Puducherry.
- 2.The The Inspector of Police  
Nettapakkam Police Station,  
Puducherry.  
Crime No.136 of 2022.
- 3.The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.

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