



Crl.O.P.No.1802 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1802 of 2024

and

Crl.M.P.No.1263 of 2024

Sanjay @ Selvadurai,
S/o.Krishnan

... Petitioner

Vs.

1.The State represented by,
The Sub-Inspector of Police,
Erode Town Police Station,
Erode District.

2.XXX,
D/o.XXX

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records and quash the proceedings in Spl.SC.No.37 of 2019 pending on the file of the Mahila Court, Erode.

For Petitioner : M/s.V.Shalini

For Respondents : Mr.A.Gopinath for R1
Government Advocate (Criminal Side)



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ORDER

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The Criminal Original Petition has been filed to call for the records relating to the case in Spl.SC.No.37 of 2019 pending on the file of the Mahila Court, Erode. 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.A Joint Memo of Compromise dated 03.01.2024 signed by both petitioner and second respondent/*de facto* complainant and their respective counsel has been filed before this Court. A compromise affidavit has also been filed by the second respondent/de-facto complainant before this Court. The petitioner and second respondent were also present in person before this Court. In the affidavit it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Spl.SC.No.37 of 2019 pending on the file of the Mahila Court, Erode.

4.This Court also enquired both the parties and was satisfied that



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the parties have come to an amicable settlement between themselves. The victim girl Nirmal was present before this Court. She is stated that her date of birth is 02.05.1999. She further stated that she married the petitioner on 26.12.2016 and there is a five months old boy child named S.Sai Pranav. The child was also present along with the victim girl. she is now happily living with the petitioner and the marriage has also been accepted by both the families. she further stated that she is not interested in prosecuting the case.

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 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.51 of 2023, pending on the file of the Sessions Judge, Fast Track Court exclusively to deal with offence



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under the POCSO Act, at Puducherry.

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6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.51 of 2023, pending on the file of the the Sessions Judge, Fast Track Court exclusively to deal with offence under the POCSO Act, at Puducherry, is quashed and the terms of Joint Memo of Compromise and affidavit shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

01.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The Mahila Court,
Erode.

2.The Sub-Inspector of Police,
Erode Town Police Station,
Erode District.

3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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