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Crl.O.P.No.1285 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1285 of 2024

And

Crl.M.P.No.933 of 2024

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... Petitioner

Vs.

1.The State

Rep. by Sub-Inspector of Police
AWPS, East Police Station,
Coimbatore City.

2.XXX

3.XXX

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records and quash the proceedings in Spl.S.C.No.61 of 2023 pending on the file of the Mahila/ Additional Special Court for POCSO Act, Coimbatore for offences under Section 306, 344, 305, 115 of IPC and under Section 5(j)(ii), 5(I) and 6 of POCSO Act, 2012 and Section 9 of Child Marriage Act, 2006.

For Petitioner : Mr.Deepan Uday

For Respondents : Mr.A.Gopinath for R1

Government Advocate (Crl. Side)



CrI.O.P.No.1285 of 2024

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ORDER

The criminal original petition has been filed seeking to call for the records pertaining to the proceedings in Spl.S.C.No.61 of 2023, pending on the file of Mahila/ Additional Special Court for POCSO Act, Coimbatore 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 24.06.2004. She further stated that she got married to the petitioner and there is a child through the marriage aged about 1-1/4 years named Lakshitha. The victim girl came along with her Mother Bhuvaneswari and she also brought the child along with her. The victim girl and her mother stated that now the victim girl is living happily with the petitioner.

4.The Joint Memo of Compromise dated 06.12.2023 has been filed before this Court which has been signed by the petitioner and the



CrI.O.P.No.1285 of 2024

respondents 2 and 3 and also by their respective counsel. The petitioner and the victim girl 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 parties had entered into a compromise and amicably settled their issues in Spl.S.C.No.61 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.61 of 2023 pending on the file of the Mahila/ Additional Special Court for POCSO Act, Coimbatore.



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Crl.O.P.No.1285 of 2024

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.61 of 2023 pending on the file of the Mahila/ Additional Special Court for POCSO Act, Coimbatore, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

12.02.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Mahila/ Additional Special Court for POCSO Act, Coimbatore.

2.The Sub-Inspector of Police
AWPS, East Police Station,
Coimbatore City.

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Crl.O.P.No.1285 of 2024
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4/4



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CrI.O.P.No.1285 of 2024

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