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Crl.O.P.No.613 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.613 of 2024

Thenarasan

... Petitioner

Vs.

1.State rep.by

The Station House Officer,
Katterikuppam Police Station,
Puducherry.

2.Ramu

...Respondents

Prayer: Criminal Original Petition is filed under Section 439 of the Code of Criminal Procedure to call for the records and quash the final report / Charge Sheet in Spl.S.C.No.154/2023 on the file of the Fast Track Court Exclusively to deal with the offences under the POCSO Act, Puducherry and accept the compromise memo.

For Petitioner

: Mr.K.Sasindran

For RR1

: Mr.M.V.Ramachandramurthy
Additional Public Prosecutor
assisted by Mr.A.Alexander

ORDER

The Criminal Original Petition has been filed to call for the records relating to the case in Spl.S.C.No.154 of 2023 on the file of the Fast Track Court exclusively to deal with offence under the POCSO Act, at Puducherry



and quash the same.

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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.S.C.No.154 of 2023 pending on the file of the Fast Track Court exclusively to deal with offence under the POCSO Act, at Puducherry.

4.This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The victim girl was present before this Court. She stated that her Date of Birth is 17.08.2006 and that she had a love affair with the petitioner. She



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categorically stated that she does not want to continue her relationship with the petitioner. She is interested in pursuing with her education. She came along with her father, who is the defacto complainant. He stated that considering the future of his daughter and the petitioner, the Criminal Case can be closed.

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 Suprme 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. 154 of 2023, pending on the file of the Fast Track Court exclusively to deal with offence under the POCSO Act, at Puducherry.

N. ANAND VENKATESH, J.

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6.This Criminal Original Petition stands allowed and as a sequel,



Crl.O.P.No.613 of 2

the proceedings in Spl.S.C.No.154 of 2023, pending on the file of the Special 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.

12.01.2024

sk

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

- 1.The Station House Officer,
Katterikuppam Police Station,
Puducherry.
2. The Special Judge,
Fast Track Court exclusively to deal with
offence under the POCSO Act, Puducherry.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.613 of 2024