



CrI.O.P.No.1940 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1940 of 2024

And

CrI.M.P.Nos.1389 and 1390 of 2024

1.Vinnarasu
2.Lakshmi
3.Subramniam

... Petitioners

Vs.

1.The Inspector of Police
AWPS, Attur Police Station,
Salem District.

2.Kavitha

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in Spl.S.C.No.100 of 2023 on the file of the Sessions Judge, Principal POCSO Court at Salem and quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.V.R.Kamalanathan
for M/s.V.Gunasekar

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



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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.100 of 2023, pending on the file of Sessions Judge, Principal POCSO Court at Salem 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 25.12.2004. She further stated that she had love affair with the first petitioner who is her distant relative. They got married on 10.09.2023 and the marriage was also registered on the file of the Marriage Registrar, Nagalur on 30.10.2023. The victim girl is now five months pregnant. She stated that her parents are not agreeable to the marriage. She is living with the first petitioner in the matrimonial home for the last six months. The victim girl came along with the petitioners during the hearing.



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4.The affidavit of the first petitioner dated 03.01.2024 and the affidavit of the victim girl dated 03.01.2024 have been filed before this Court. The petitioners 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. 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.100 of 2023, pending on the file of Sessions Judge, Principal POCSO Court at Salem.



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6.This criminal original petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.100 of 2023, on the file of the Sessions Judge, Principal POCSO Court at Salem, is quashed and the terms of affidavits shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

05.02.2024

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

To

- 1.The Sessions Judge,
Principal POCSO Court at Salem.
- 2.The Inspector of Police
AWPS, Attur Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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