



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.949 of 2024

Muthuraman

... Petitioner/Sole Accused

.VS.

1.State rep.by its
The Inspector of Police
All Women Police Station
Pulianthope
Chennai.

..1st Respondent /Complainant

2.Pushpalatha

..2nd Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings pending in Spl.S.C.No.12 of 2022 pending on the file of Sessions Judge, Additional Special Court for Exclusive Trial cases under POCSO Act, (Magalir Neethimandram), Chennai at Allikulam and quash the same.

For Petitioner : Mr.N.Anandan

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



ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.12 of 2022, pending on the file of Sessions Judge, Additional Special Court for Exclusive Trial cases under POCSO Act, (Magalir Neethimandram), Chennai, Allikulam .

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 along with her mother, who is the de facto complainant. She stated that she had a love affair with the petitioner and thereafter she married the petitioner and there is also a child named Sarathy, aged about one year through the wedlock. The mother of the victim girl was also present before this Court along with the child. She stated that her daughter is now living in the in-laws place and she is being properly taken care. She further stated that she does not want to prosecute this criminal case against the petitioner. The mother and father of the petitioner were also present before this Court.

4.The learned Government Advocate (Crl.Side), appearing on behalf of the 1st respondent submitted that the petitioner is also involved in yet another case of similar nature. It was submitted that in that case, the FIR was registered in Crime



No.6 of 2023 for offence under Sections 366 342, 506(i) 376(d) 109 IPC and 11(1) r/w 12, 5(g) r/w Section 6 of POCSO Act. There are totally 12 accused persons in that case and the petitioner has been arrayed as A.4. There are totally 3 victims in that case out of which two are minors and one is major. The learned Government Advocate (Crl.Side) further submitted that the petitioner was arrested and remanded to judicial custody and now he is in judicial custody at Puzhal Jail.

5.The learned Government Advocate (Crl.Side) requested this Court to take into consideration the conduct of the petitioner.

6.In the considered view of this Court the facts of the present case is that the petitioner had a love affair with the victim girl and they were subsequently married and they have a child aged about one year. The victim girl and her mother stated that they are not interested in prosecuting this case. They requested this Court to close the criminal prosecution in order to ensure that the petitioner and the victim girl live with the child happily. Considering this stand taken by the victim girl and her mother, no useful purpose will be served in continuing the criminal prosecution in this case.

7.It is made clear that the order passed in this petition will not have any bearing in the pending case in Crime No.6 of 2023. That case shall go on independently in accordance with law. The antecedent of the petitioner may not



really come in the way of this Court in dealing with the present case since the victim girl and the petitioner have a child through the marriage. Hence, the petitioner being involved in yet another case of sexual offence may not really come in the way of this Court exercising its jurisdiction under Section 482 of Cr.PC in the present case.

8.A Joint Compromise Memo dated 03.01.2024 signed by both petitioner and second 2nd respondent/complainant and their respective counsel has been filed before this Court. An affidavit dated 03.01.2024, has also been filed by the victim girl before this Court. The petitioner and 2nd respondent/complainant and the victim girl were also present in person before this Court. In the affidavit, it has been stated that the petitioner and the second respondent and the victim girl have entered into a compromise and amicably settled their issues in Spl.S.C.No.12 of 2022, on the file of Sessions Judge, Additional Special Court for Exclusive Trial cases under POCSO Act, (Magalir Neethimandram), Chennai, Allikulam .

9. 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 Gujraath)** 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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C, quash the



proceedings in Spl.S.C.No.12 of 2022, on the file of Sessions Judge, Additional Special Court for Exclusive Trial cases under POCSO Act, (Magalir Neethimandram), Chennai, Allikulam .

10.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.12 of 2022, pending on the file of Sessions Judge, Additional Special Court for Exclusive Trial cases under POCSO Act, (Magalir Neethimandram), Chennai, Allikulam, is quashed and the terms of Joint compromise memo and affidavit of the victim girl, shall form part and parcel of this order.

22.01.2024

Internet : Yes/No
KP

To

- 1.The Inspector of Police
All Women Police Station
Pulianthope
Chennai.
2. Additional Special Court for
Exclusive Trial cases under POCSO Act,
(Magalir Neethimandram),
Chennai at Allikulam.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

N. ANAND VENKATESH., J



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