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CrL.O.P.No.1804 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrL.O.P.No.1804 of 2024

Vinothkumar,
S/o.Aathiswaran

... Petitioner

Vs.

1.State represented by,
The Inspector of Police,
All Women Police Station,
Pollachi,
Coimbatore District.
(Crime No.30 of 2021)

2.Lavanya

3.Nishanthi,
D/o.Marimuthu

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records in pending proceedings in Spl.S.C.No.116 of 2022 on the file of the Principal Special Court for POCSO Act cases, Coimbatore and quash the same.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

The Criminal Original Petition has been filed to call for the records relating to the case in Spl.S.C.No.116 of 2022 on the file of the Principal Special Court for POCSO Act cases, 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 Joint Memo of Compromise dated 12.01.2024 has been filed before this Court which have been signed by the petitioner and the 2nd respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mrs.T.Gomathi, All Women Police Station, Pollachi District. In the affidavit it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in Spl.S.C.No.116 of 2022 on the file of the Principal Special Court for POCSO Act cases, Coimbatore.



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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 and she stated that her date of birth is 20.06.2005. She stated that she married the petitioner and there is a girl child named Nakchatra aged about 1 $\frac{3}{4}$ years. She further stated that she is now living happily with the petitioner and that the marriage has been accepted by both the families. The child was also brought at the time of hearing.

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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in Spl.S.C.No.116 of 2022 on the file of the



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Principal Special Court for POCSO Act cases, Coimbatore.

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.116 of 2022 on the file of the Principal Special Court for POCSO Act cases, Coimbatore, is quashed and the terms of Compromise affidavits 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 Principal Special Court for POCSO Act cases,
Coimbatore
- 2.The Inspector of Police,
All Women Police Station,
Pollachi,
Coimbatore District.
- 3.The Public Prosecutor,
High Court, Madras.



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