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Crl O.P. No.4161 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4161 of 2024

Kalaivanan S/o. Mathivanan

...Petitioner

Vs.

1. State Rep by its
The Inspector of Police,
Mangalam Police Station,
Puducherry.
[Cr. No.109 of 2015]

2. Rajeswari D/o. Muthumariyappan

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to
call for the records in Spl. S.C. No.245 of 2023 pending on the file of the
learned Special Judge (under the Protection of Children from Sexual
Offences Act 2012) at Puducherry and quash the same.

For Petitioner : Mr.T. Shanmugaboopathi

For Respondent : Mr. M.V. Ramachandramurthy
Additional Public Prosecutor,
Puducherry

Assisted by M. Thamizhmani
Advocate, Puducherry.



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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings pending in Spl. S.C. No.245 of 2023 pending on the file of the learned Special Judge (under the Protection of Children from Sexual Offences Act 2012) at Puducherry.

2. The 2nd respondent / defacto complainant was present before this Court and she has stated that she married the petitioner and there are two children namely Suyambulingam, aged about 6 years and Lingeswari, aged about 3 years, through the marriage. The children were also present at the time of hearing. She further stated that she is now living happily with the petitioner and hence she is not interested in prosecuting this case.

3. The case is still in the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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4. A Joint Memo of Compromise dated 19.02.2024 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. 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.245 of 2023 pending on the file of the learned Special Judge (under the Protection of Children from Sexual Offences Act 2012) at Puducherry. The petitioner and second respondent were also present in person before this Court and they were identified by Mr. C. Soundararaju, Sub Inspector of Police, Puducherry. 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 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 Crl 10*, this Court in exercise of its jurisdiction under Section 482 Cr.P.C, quash the proceedings in Spl. S.C. No.245 of 2023 pending on the file of the learned Special Judge (under the Protection of Children from Sexual Offences Act 2012) at Puducherry.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl. S.C. No.245 of 2023 pending on the file of the learned Special Judge (under the Protection of Children from Sexual Offences Act 2012) at Puducherry is quashed.

23.02.2024

Index : Yes / No

Internet : Yes / No

mjs

To

1. The Special Judge (under the Protection of Children from Sexual Offences Act 2012) at Puducherry .

2. The Inspector of Police,
Mangalam Police Station,
Puducherry..



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3. The Public Prosecutor, High Court of Madras, Madras-104.

N.ANAND VENKATESH, J.,

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