



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4032 of 2024

Sivakumar

.. Petitioner/Accused

vs.

1.State rep.by

The Inspector of Police
AWPS – Perur Police Station
Coimbatore.

[Crime No.22 of 2021]

..1st respondent/Complainant

2.Anisha

..2nd Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records connected with the case in Spl.SC.No.169 of 2022, on the file of the learned Special Court for Exclusive Trial case under POCSO Act, Coimbatore and quash the same.

For Petitioner : Mr.T.Shanmugaboopathi

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

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.SC.No.169 of 2022, on the file of the Special Court for Exclusive Trial case under POCSO Act, Coimbatore.



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 17.10.2005. She further stated that she had married the petitioner and through the marriage, there is a child named Sivaranjini, aged about 2 years. The child was also present at the time of hearing. She stated she is happily living with the petitioner and she requested this Court to close the criminal case.

4. A Joint Compromise Memo dated 16.2.2204 signed by both petitioner and second respondent/victim and their respective counsel has been filed before this Court. An affidavit has also been filed by the second respondent/victim before this Court. The petitioner and second respondent/victim girl were also present in person before this Court. In the affidavit, it has been stated that the petitioner and the second respondent/victim girl have entered into a compromise and amicably settled their issues in Spl.SC.No.169 of 2022, on the file of the Special Court for Exclusive Trial case under POCSO Act, Coimbatore.

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 Guj Rath) 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.SC.No.169 of 2022, on the file of the Special Court for Exclusive Trial case under POCSO Act, Coimbatore.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.SC.No.169 of 2022, on the file of the Special Court for Exclusive Trial case under POCSO Act, Coimbatore, is quashed and the terms of Joint compromise memo and affidavit shall form part and parcel of this order.

27.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
kp

To

- 1.The Inspector of Police
AWPS – Perur Police Station
Coimbatore.
2. Special Court for Exclusive Trial case
under POCSO Act, Coimbatore.
3. The Public Prosecutor,
High Court of Madras,
Madras.



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