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Criminal Original Petition No.5187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5187 of 2024

D.Balaji
S/o.Durai

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
Thudiyalur All Women Police Station,
Coimbatore.

2. B.Monu
S/o.Babulal

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records relating to Special Sessions Case No.73 of 2023 in Crime No.28 of 2022 on the file of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and quash the same.

For Petitioner : Mr.R.Suryakumaran

For Respondents : Mr.A.Gopinath
Govt. Advocate (Crl.side) [R1]



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in Special Sessions Case No.73 of 2023 pending on the file of Sessions Judge, Principal Special Court for Exclusive Trial of Cases 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. A Joint Compromise Memo dated 05.01.2024 signed by both parties and affidavits of petitioner and second respondent have been filed before this Court. The petitioner and second respondent were also present in person before this Court and they were identified by Ms.L.Indrani, Special Sub-Inspector of Police, All Women Police Station, Central [94981 72874]. In the Joint Memo of Compromise and in the affidavits, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Special Sessions Case No.73 of 2023 pending on the file of Sessions Judge,



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Coimbatore.

4. This Court also enquired both the parties. The victim girl stated that her date of birth is 11.09.2005, she married the petitioner and through the marriage, there is a girl baby named Jasvitha aged about 1 year and 4 months. She is now living happily with the petitioner and requested this Court to close the criminal case. She was present before this Court along with the petitioner and the child. This Court 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 v. Dhruv Gurjar and Another** reported in (2019) 2



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MLJ Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Special Sessions Case No.73 of 2023 pending on the file of Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Special Sessions Case No.73 of 2023 pending on the file of Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, is quashed and the terms of Joint Compromise Memo and the terms of affidavits shall form part and parcel of this order.

05.03.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The Principal Special Court
for Exclusive Trial of Cases under POCSO Act
Coimbatore

2. The Inspector of Police
Thudiyalur All Women Police Station
Coimbatore

3. The Public Prosecutor, Madras High Court, Chennai



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N.ANAND VENKATESH, J

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