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Crl. O.P. No.3873 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.3873 of 2024

1. Muthukumaran S/o. Chandran
2. Sudha W/o. Chandran

... Petitioners

Vs.

- 1.The State Rep. by
The Inspector of Police,
All Women Police Station,
Tiruvannamalai Rural,
Tiruvannamalai.

2. Sneha D/o. Srinivasan @ Sreenivasan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Special S.C. No.174 of 2019 pending on the file of learned Special Judge for the Exclusive Trial of POCSO Act cases, Tiruvannamalai against the petitioners and to quash the same.

For Petitioners

For Respondents

: Mr. S. Sivakumar

: Mr.A. Gopinath

Government Advocate (Criminal Side)

[for R1]

Mr. K. Vadivel [for R2]



ORDER

WEB CO This Criminal Original Petition has been filed seeking to quash the proceedings in Special S.C. No.174 of 2019 pending on the file of learned Special Judge for the Exclusive Trial of POCSO Act cases, Tiruvannamalai.

2. The 1st petitioner along with his mother, who is the 2nd petitioner and the victim girl / 2nd respondent were present in person before this Court and they were identified by Ms.Mythili (1727) AWPS Grade I, Tiruvannamalai Rural. The Victim girl stated that her date of birth is 19.04.2003 and she had love affair with the 1st petitioner. However the relationship came to an end and she has now married one Ramraj three years back and through the marriage, there is a child named Keerthi aged two years. The victim girl further stated that she is no longer interested in prosecuting this case. She came along with her father Mr. Srinivasan who has also confirmed the above facts and stated that the criminal prosecution can be closed and hence he requested this Court to close the case.

3. 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.



4. A Joint Memo of Compromise dated 24.01.2024 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 and the 1st petitioner before this Court. In the affidavit it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Special S.C. No.174 of 2019 pending on the file of the learned Special Judge for the Exclusive Trial of POCSO Act cases, Tiruvannamalai. 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 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 MLJ Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Special S.C. No.174 of 2019 pending on the file of the learned Special Judge for the Exclusive Trial of POCSO Act cases, Tiruvannamalai.



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6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Special S.C. No.174 of 2019 pending on the file of the learned Special Judge for the Exclusive Trial of POCSO Act cases, Tiruvannamalai is quashed in entirety against all the accused persons.

21.02.2024

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

To

1. The Special Judge
[for the Exclusive Trial of POCSO Act cases],
Tiruvannamalai.
2. The Inspector of Police,
All Women Police Station,
Tiruvannamalai Rural,
Tiruvannamalai.
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

mjs

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