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Crl.O.P.No.4786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4786 of 2024

Pandithurai

.. Petitioner

Vs.

The State Rep. by,
The Inspector of Police,
Yethapur Police Station,
Salem District.
(Crime No.424 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order passed in Crl.M.P.No.300 of 2022 dated 05.01.2023 in respect of Spl.S.C.No.69 of 2021 on the file of the Special Court under POCSO Act, Salem and thereby permit to cross-examine the Witnesses PW1, PW2 & PW4.

For petitioner : Mr.D.Mario Johnson
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed challenging the order passed by the Court below in Crl.M.P.No.300 of 2022 dated 05.01.2023



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allowing the application filed by the petitioner under Section 311 of Cr.P.C. only in so far as PW1, PW2, PW4 and dismissing the same in so far as PW3 is concerned.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3.When the matter came up for hearing on 29.02.2024, this Court passed the following order:

“The learned counsel for the petitioner submitted that there is a settlement between the parties and that the parties of the victim girl are now prepared to get the victim girl married to the petitioner. The victim girl is now aged about 21 years.

2.In the instant case, there was a love affair between the petitioner and the victim girl. Therefore, considering the subsequent development in this case, this Court is inclined to interfere with the proceedings after hearing the parties.

3.Post this case under the caption 'for recording compromise' on 08.03.2024 at 2.15 p.m.

4.The Court below shall keep the proceedings in Spl.S.C.No.69 of 2021 in abeyance.”



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4. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that the petitioner and the victim girl have married on 22.02.2024 and all the parties are present before this Court today and they were identified by Mr.A.Marimuthu, SSI of Police, Yethapur Police Station, (Mobile No. 9498168086).

5. The victim girl was present before this Court. She stated that her date of birth is 05.04.2003. She further stated that she married the petitioner on 22.02.2024 and she is now living happily in the matrimonial home. She was accompanied by her mother named Manimekalai. The mother of the victim girl also confirmed the fact that her daughter is now married to the petitioner. She also requested this Court to close the case. The petitioner was also present along with his mother Santhi.

6. 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**



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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 CrI 10***, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in Spl.S.C.No.69 of 2021, pending on the file of the Special Court under POCSO Act, Salem.

7.In the light of the above development, the continuation of the criminal proceedings will not be in the interest of the victim girl, the petitioner and both the families. This Court is therefore inclined to exercise its Jurisdiction u/S. 482 of Cr.P.C. Hence, the proceedings in Spl.S.C.No.69 of 2021 pending on the file of the Special Court under POCSO Act, Salem is hereby quashed.

8.Accordingly, the Criminal Original Petition stands allowed in the above terms.

08.03.2024

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Index : Yes / No
Internet : Yes / No



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Neutral Citation : Yes / No

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N.ANAND VENKATESH, J.

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To

- 1.The Special Court under POCSO Act,
Salem.
- 2.The State Rep. by,
The Inspector of Police,
Yethapur Police Station,
Salem District.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

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