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CrI O.P. No.4470 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.4470 of 2024

Sankadi Nagore Babu S/o. Sangadi Nageswara Rao

..... Petitioner

vs.

1. State represented by
The Inspector of Police,
Grand Bazaar Police Station,
Puducherry
[Crime No.114 of 2015]

2. Dr. Vidya Ramkumar
Chairperson
Child Welfare Committee,
Ariyankuppam Puducherry.

3. Kalaivani W/o. Sankadi Nagore Babu

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to
call for the records pertaining to the proceedings of Special Sessions Case
No.41 of 2023 on the file of the Special Judge (Under the POCSO Act,
2012) Puducherry and quash the same.



For Petitioner : Mr. K. Kesavan

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

Assisted by M. Thamizhmani
Advocate, Puducherry.
[for R1]

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings pending in Special Sessions Case No.41 of 2023 on the file of the Special Judge (Under the POCSO Act, 2012) Puducherry and quash the same.

2. The 3rd respondent / defacto complainant was present before this Court. She stated that her date of birth is 28.09.1998 and she further stated that she married the petitioner and through the marriage, she has a daughter named Sivasakthi aged about 8 years. She further stated that she is now living happily with the petitioner and 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.

4. A Joint Memo of Compromise dated 13.02.2024 signed by both petitioner and third respondent/*de facto* complainant and their respective counsel has been filed before this Court. A compromise affidavit has also been filed by the third respondent/de-facto complainant before this Court. In the affidavit it has been stated that the petitioner and the third respondent have entered into a compromise and amicably settled their issues in Special Sessions Case No.41 of 2023 on the file of the Special Judge (Under the POCSO Act, 2012) Puducherry. The petitioner and third 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 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, quash the proceedings in Special Sessions Case No.41 of 2023 on the file of the Special Judge (Under the POCSO Act, 2012) Puducherry.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Special Sessions Case No.41 of 2023 on the file of the Special Judge (Under the POCSO Act, 2012) Puducherry is quashed.

23.02.2024

Index : Yes / No

Internet : Yes / No

mjs



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Crl O.P. No.4470 of 2024

N.ANAND VENKATESH, J.,

mjs

To

1. Special Sessions Case No.41 of 2023 on the file of the Special Judge
(Under the POCSO Act, 2012) Puducherry.

2. The Inspector of Police,
Grand Bazaar Police Station,
Puducherry..

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

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