



CrI.O.P.No.3915 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.3915 of 2024

And

CrI.M.P.Nos.2872 and 2873 of 2024

M.Surya

... Petitioner

Vs.

1.The State Represented by
The Inspector of Police
Thanipadi Police Station,
Thiruvannamalai District.

2.Kumar
3.Shalini

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the entire records pertaining to the Spl.S.C.No.69 of 2021, on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai and quash the same by allowing the criminal original petition.

For Petitioner : M/s.M.Suresh
For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor
Mr.S.Sembulingam for R2 and R3



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ORDER

The criminal original petition has been filed seeking to call for the records pertaining to the proceedings in Spl.S.C.No.69 of 2021, pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai and quash the same.

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 along with her Mother Sumathy and Uncle Kumar who is the defacto complainant in this case. She stated that her date of birth is 06.06.2005. She further stated that she married the petitioner and through the marriage there is a child named Mithra aged about one year. The petitioner, her Mother and also the Uncle who is the defacto complainant stated that the matter has been compromised between the parties and requested this Court to close the case.

4.The Joint Compromise Memo dated 10.02.2024 has been filed



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before this Court which have been signed by the petitioner and the respondents 2 and 3 and also by the learned counsel for the petitioner.

The petitioner and the respondents 2 and 3 were also present in person before this Court and they were identified by Mr.S.Kamaraj, Special Sub Inspector of Police, Thanipadi Police Station, Thiruvannamalai District. In the joint compromise memo it has been stated that the petitioner and the respondents 2 and 3 had entered into a compromise and amicably settled their issues in Spl.S.C.No.69 of 2021. 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 Vs. 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



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pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai.

6.This criminal original petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.69 of 2021 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai, is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

22.02.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1.The Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai.
- 2.The Inspector of Police
Thanipadi Police Station,
Thiruvannamalai District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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