



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.4867 of 2024

1.P.Elumalai

2.D.Harikrishnan

...Petitioner s/Accused-1 & 2

.Vs.

1.The State rep.by its
Inspector of Police
Santhavasal Police Station
Thiruvannamalai District.
(Crime No.383 of 2019)

..1st Respondent/Complainant

2.Saravanan

.. 2nd Respondent/De facto Complainant

3.Mrs.Prema

..3rd respondent/Victim

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the entire proceedings in Spl.SC.No.93 of 2020, pending trial before the Special Court for trial of Cases under POCSO Act Case, Thiruvannamalai.

For Petitioners : Mr.S.Esakkimuthu

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side) for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.SC.No.93 of 2020, pending trial before the Special Court for trial of Cases under POCSO Act Case, Thiruvannamalai.



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 and she stated that her date of birth is 15.4.2002. She further stated that she married the 1st petitioner and through the marriage, there is a child named Giridharan, aged about 1-1/2 years. The child was also brought at the time of hearing. She stated that both the families have now accepted the marriage and she is now living happily with the petitioner. She requested this Court to close the criminal case.

4. Joint Memo of Compromise dated 22.2.2024, has been filed before this Court which has been signed by the petitioners and the 2nd respondent/de facto complainant and also by their respective counsel. The petitioners and the 2nd respondent were also present in person before this Court. In the joint compromise memo, it has been stated that the petitioners and the 2nd respondent have entered into a compromise and amicably settled their issues in Spl.SC.No.93 of 2020, pending trial before the Special Court for trial of Cases under POCSO Act Case, Thiruvannamalai.

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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C, quash the proceedings in Spl.SC.No.93 of 2020, pending trial before the Special Court for trial of Cases under POCSO Act Case, Thiruvannamalai.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.SC.No.93 of 2020, pending trial before the Special Court for trial of Cases under POCSO Act Case, Thiruvannamalai, is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order.

29.02.2024

Speaking Order/Non-Speaking Order

Index: Yes/No

Internet: Yes/No

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To

1. Inspector of Police
Santhavasal Police Station
Thiruvannamalai District.
- 2.Special Court for trial of Cases
under POCSO Act Case,
Thiruvannamalai.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



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N.ANAND VENKATESH.J.,

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