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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.5010 of 2024

Murugan

...Petitioner /Single Accused

.Vs.

1.State rep.by

The Inspector of Police

All Women Police Station

Gingee, Villupuram District.

..1st Respondent/Complainant

(Crime No.19 of 2021)

2.Kamatch

..2nd Respondent/De facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to the case in Special S.C.No.161 of 2022, on the file of the Sessions Court for POCSO Act Cases at Villupuram, Villupuram District in connection with the case in Cr.No.19 of 2021, on the file of the 1st respondent and quash all the same.

For Petitioner : Mr.VR.Appaswamee

For Respondents : Mr.A.Gopinath

Government Advocate (Crl.Side) for R1

Mr.K.Thirumavalavan for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl. S.C.No.161 of 2022, on the file of the Sessions Court for

POCSO Act Cases at Villupuram, Villupuram District.



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. She stated that her date of birth is 31.3.2005. She further stated that she married the petitioner on 10.4.2023 and the same is evident from the marriage certificate that has been issued by the appropriate authority viz., the marriage Registrar on 27.4.2023. The victim girl came along with her mother, who is the de facto complainant in this case. The victim girl is six months pregnant. The mother of the victim girl stated that both the families have now agreed to this marriage and that her daughter is living happily with the petitioner. She requested this Court to close the criminal prosecution.

4. Joint Memo of Compromise Memo dated 24.2.2023 signed by both petitioner and second respondent has been filed before this Court. In order to identify the respective parties they have also produce the copy of the Aadhaar Card is made part of the record. The petitioner and second respondent were also present in person before this Court. In the affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Spl. S.C.No.161 of 2022, on the file of the Sessions Court for POCSO Act Cases at Villupuram, Villupuram District.



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. S.C.No.161 of 2022, on the file of the Sessions Court for POCSO Act Cases at Villupuram, Villupuram District.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in in Spl. S.C.No.161 of 2022, on the file of the Sessions Court for POCSO Act Cases at Villupuram, Villupuram District is quashed and the terms of Joint Memo of Compromise and it shall form part and parcel of this order.

01.03.2024

Speaking Order/Non-Speaking Order
Index: Yes/No
Internet: Yes/No
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4

N.ANAND VENKATESH.J.,

kp

To

- 1.The Inspector of Police
All Women Police Station
Gingee, Villupuram District.
- 2.Sessions Court for POCSO Act Cases at Villupuram,
Villupuram District.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

CRL.O.P No.5010 of 2024

01.03.2024