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Criminal Original Petition No.6398 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.6398 of 2024

Adeshkumar @ Adesh
S/o.Vijayakumar @ Viji

... Petitioner

Vs.

1.State represented by
The Station House Officer,
Muthialpet Police Station,
Puducherry.
Crime No.71 of 2023

2.Deivanayagi
W/o.Duraikannu

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the entire records connected with the case in Spl.S.C.No.243 of 2023 on the file of Fast Track Court exclusively deal with the offences under the POCSO Act, Puducherry and quash the same.

For Petitioner : Mr.A.Anandharaj

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



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ORDER

WEB COPY This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.243 of 2023 pending on the file of Fast Track Court exclusively deal with the offences under the POCSO Act, Puducherry.

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. A Joint Compromise Memo dated 10.03.2024 signed by both parties and affidavits of petitioner and second respondent has been filed before this Court. The petitioner and second respondent were also present in person before this Court and they were identified by Mr.R.Arulkumar, Special Sub-Inspector of Police, Muthialpet Police Station, Puducherry [93454 58647]. In the Joint Memo of Compromise and in the affidavits, 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.243 of 2023 pending on the file of Fast Track Court



exclusively deal with the offences under the POCSO Act, Puducherry.

4. This Court also enquired both the parties. The victim girl was present before this Court along with her mother Deivanayagi, who is the *de facto* complainant in this case. She stated that her date of birth is 17.12.2005 and that she has married the petitioner and through the marriage, there is a girl child named Sashmitha, aged 6 months. She stated that she is now living happily with the petitioner. The mother of the victim girl stated that the criminal proceedings can be closed in this case. This Court 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 CrI 10**, this



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Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl.S.C.No.243 of 2023 pending on the file of Fast Track Court exclusively deal with the offences under the POCSO Act, Puducherry.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.243 of 2023 pending on the file of Fast Track Court exclusively deal with the offences under the POCSO Act, Puducherry, is quashed and the terms of Joint Compromise Memo and the terms of affidavits shall form part and parcel of this order.

18.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

1.The Fast Track Court,
POCSO Act cases , Puducherry

2.The Station House Officer,
Muthialpet Police Station,
Puducherry.
Crime No.71 of 2023

3.The Public Prosecutor,



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High Court, Madras.

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N.ANAND VENKATESH, J.



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