



Crl.OP.No.6439 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.6439 of 2024

Thalapathy @ Thalabathi,
S/o.Rajendhiran

... Petitioner

Vs.

1. State Rep. by,
Inspector of Police,
All Women Police Station, Thiruvannamalai,
Thiruvannamalai District.
(Crime No.5/2022)

2. Harshini,
W/o.Thalapathy

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertains to the Spl.S.C.No.105/2024 on the file of the Special Judge, (POCSO Act Cases) at Thiruvannamalai and in Crime No.5 of 2022 on the file of the first respondent and quash the same.

For Petitioner : Mr.S.Thirugnanam

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

ORDER



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WEB COPY This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.105 of 2024 on the file of the Special Judge, (POCSO Act Cases) at 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. A Joint Compromise Memo dated 11.03.2023 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. 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.105 of 2024 on the file of the Special Judge, (POCSO Act Cases) at Thiruvannamalai.

4. This Court also enquired both the parties. The victim girl stated



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that her date of birth is 18.12.2005. She married the petitioner and through the marriage, there is a child named Jeshwik Sai, aged about one year. The child was also brought at the time of hearing. She requested this Court to close the case in the interest of the petitioner, the second respondent and also the child. This Court was also 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. quashes the proceedings in Spl.S.C.No.105/2024 on the file of the Special Judge, (POCSO Act Cases) at Thiruvannamalai.

N.ANAND VENKATESH, J.



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WEB COPY This Criminal Original Petition stands allowed and as a sequel, the

proceedings in Spl.S.C.No.105/2024 on the file of the Special Judge, (POCSO Act Cases) at Thiruvannamalai, 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 Special Judge,
(POCSO Act Cases),
Thiruvannamalai.
- 2.The Inspector of Police,
All Women Police Station,
Thiruvannamalai,
Thiruvannamalai District.
- 3.The Public Prosecutor,
High Court, Madras.

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