



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.7448 of 2024

1.Sathishkumar

2.Murugesh

3.Rajeswari

4.Senthilkumar

5.Poongodi

...Petitioners/Accused 1 to 5

.Vs.

1.State rep.by

The Inspector of Police
All Women Police Station
Pollachi
Coimbatore District.

.. 1st Respondent /Complainant

2.Mythili

..2nd Respondent/De facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the SPL SC.No.16 of 2024, on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and quash the same.

For Petitioners : Mr.N.Balakrishnan

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.16 of 2024, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

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 along with her parents and the parents of the 1st petitioner (A1). She stated that she married the 1st petitioner and through the marriage, there is a child named Nidarsan, aged about 1 ½ years. In the instant case, the victim girl had developed a love affair with the 1st petitioner and as a result, they also had physical contact. Hence, both the families decided to get them married. This marriage had taken place when the victim girl was a minor.

4.Considering the interest of the victim girl, the 1st petitioner, who is aged about 21 years and also the small child aged about 1 ½ years, this Court is inclined to exercise its jurisdiction under Section 482 of Cr.PC.

5. Joint Memo of Compromise dated 18.3.2024, 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.16 of 2024, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

6. 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.16 of 2024, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

7.This Criminal Original Petition stands allowed and as a sequel, the proceedings in SPL SC.No.16 of 2024, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order.

26.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order
kp



N.ANAND VENKATESH.,J

kp

To

- 1.The Inspector of Police
All Women Police Station
Pollachi
Coimbatore District.
- 2.Special Court for Exclusive Trial of Cases
under POCSO Act, Coimbatore.
- 3.The Public Prosecutor
High Court, Madras.

CRL.O.P No.7448 of 2024

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