



Crl.O.P No.22613 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.22613 of 2023
and Crl.MP.No.15814 of 2023

Ganapathy

... Petitioner /Sole Accused

.VS.

1.State rep.by
The Inspector of Police
All Women Police Station
Pollachi,Coimbatore District.

..1st Respondent /Complainant

2.Puvaneswari

..2nd Respondent/De facto complainant

3.Mathumitha

..3rd Respondent/Victim

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Spl.SC.No.35 of 2022, on the file of the learned Special Court for Exclusive trial of Cases under POCSO Act, Coimbatore and quash the same.

For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.A.Gopinath
Govt. Advocate (Crl.side)
for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.SC.No.35 of 2022, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.



2.The victim girl Madhumitha was present before this Court. She stated that her date of birth is 01.03.2004. She got married to the petitioner on 22.2.2023 and the marriage certificate was also placed before this Court. She stated that she is now living happily with the petitioner. The petitioner was also present before this Court and he stated that he is now happily living with the victim girl in the matrimonial after the marriage.

3. 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.

4. Joint Compromise Memo dated 25.09.2023 signed by both the petitioner and the third respondent/victim girl and their respective counsel has been filed before this Court. The petitioner and the third respondent/victim girl were appeared in person before this Court and they were identified by Ms.Kavitha, WHC-1267, Pollachi All Women Police Station. An affidavit has also been filed by the third respondent/victim 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. In the Joint Compromise Memo, it has been stated that the petitioner and the third respondent/victim girl have entered into a compromise and amicably settled their issues in Spl.SC.No.35 of 2022, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.



Crl.O.P No.22613 of 2023

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 in Spl.SC.No.35 of 2022, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.SC.No.35 of 2022, 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 and affidavit shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

02.01.2024

2/2

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP



WEB COPY



Crl.O.P No.22613 of 2023

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 of Madras,
Madras.

Crl.O.P No.22613 of 2023

02.01.2024

2/2