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Crl.O.P.No.22807 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.22807 of 2023
and Crl.M.P.Nos.15959 and 16194 of 2023

Mari @ Mareeshwaran

... Petitioner

Vs.

1.State rep. by
The Inspector of Police
W33, Virugambakkam All Women Police
Station, Virugambakkam
Chennai
(Crime No.16 of 2022)

2.V.Prema

... Respondents

PRAYER: The Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with Spl.S.C.No.123 of 2023 on the file of the Sessions Judge, Special Court for exclusive trial cases under POCSO Act, Mahalir Needhimandram, Allikulam, Chennai and quash the same.

For Petitioner : Mr.M.Prem Kumar

For Respondents : Mr.A.Gopinath
Govt. Advocate (Crl. Side) - R1



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ORDER

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The Criminal Original Petition has been filed to quash the Spl.S.C.No.123 of 2023, pending on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Mahalir Neethimandram, Allikulam, Chennai.

2. The case is still at the stage of trial. 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 Venkatesan and Prema. The victim girl stated that she married the petitioner and through the marriage, there is a girl child named Lakshitha Shree, aged about 2 1/2 years. The parents of victim girl stated that the victim girl is now living happily with the petitioner and requested this Court to close the criminal case.

4.The petitioner was also present along with his parents Marriappan and Selvi. They stated that the girl is now living in the matrimonial home happily without any problem.



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5.The Affidavit dated 10.01.2024 has been filed by the petitioner and the 2nd respondent/de-facto complainant before this Court. In the affidavit it has been stated that the petitioner and the 2nd respondent have entered into a compromise and amicably settled their issues pending in Spl.S.C.No.123 of 2023. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. **Mrs.T.Bharathi, WHC No.27916, Koyambedu AWPS, 9840860950 who was also present at the time of hearing before this Court to identify the parties.** The respective parties have also produced the copies of the Aadhaar Card and it is made part of the record.

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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case



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pending in Spl.S.C.No.123 of 2023, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Mahalir Neethimandram, Allikulam, Chennai.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.123 of 2023, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Mahalir Neethimandram, Allikulam, Chennai., is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

10.01.2024

Index : Yes/No
Neutral Citation

kas

To

1.The Inspector of Police
W33, Virugambakkam All Women Police
Station, Virugambakkam
Chennai
(Crime No.16 of 2022)

2.The Public Prosecutor
High Court of Madras
Chennai 600 104



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N. ANAND VENKATESH, J.

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10.01.2024