



Crl.O.P No.22471 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.22471 of 2023

and

Crl.M.P.Nos.15668 & 15669 of 2023

1.M.Praveen Kumar
S/o.Murugan

2.M.Iseelan
S/o.Murugan

... Petitioners

vs.

1.State by
Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore District.
Crime No.38 of 2021

2.Radha
W/o.Velusamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in Spl.S.C.No.117 of 2022 pending on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and quash the same.



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For Petitioners : Mr.R.Thamarai Selvan
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.117 of 2022 pending on the file of Sessions Judge, 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 Vaishnavi was present before this Court along with her mother Radha. The victim girl stated that she had a love affair with the first petitioner. There was no compulsion exerted on the side of petitioners and relationship was voluntary. She further stated that her date of birth is 16.09.2005 and she is now undergoing her education and



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wants to pursue her own career. She further stated that she is not interested in continuing the affair with the first petitioner. She has also confirmed that there was absolutely no pressure exerted on the side of the petitioners.

4. The mother of the victim girl stated that her daughter had a love affair with the first petitioner. Thereafter, the relationship was snapped and presently, her daughter is undergoing education. The mother of the victim girl stated that she is not interested in pursuing the criminal case considering the future of her daughter.

5. Consent affidavits of petitioners' father, first petitioner, victim girl and second respondent have been filed before this Court. The petitioners, victim girl and second respondent were also present in person before this Court. In the affidavits, it has been stated that the petitioners, victim girl and the second respondent have entered into a compromise and amicably settled their issues in Spl.S.C.No.117 of 2022 pending on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore. This Court also enquired both the parties



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and was satisfied that the parties have come to an amicable settlement between themselves.

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. quashes the case in Spl.S.C.No.117 of 2022 pending on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.117 of 2022 pending on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act,



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Coimbatore, is quashed and the terms of affidavits shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

03.01.2024

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

To

- 1.The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Coimbatore.
- 2.The Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore District.
Crime No.38 of 2021
- 3.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J

gm

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