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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.22488 of 2023
and Crl.M.P.No.15687 of 2023

Sithanantham @ Vinoth

... Petitioner

Vs.

1.The Union Territory of Puducherry represented by
The Inspector of Police,
Muthialpet Police Station,
Muthialpet Circle, Puducherry.
(Crime No.71 of 2020)

2.XXXX

D/o.Kumar

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the Spl.S.C.No.51 of 2023 pending on the file of the Sessions Judge, Fast Track Court exclusively to deal with offence under the POCSO Act, at Puducherry.

For Petitioner : Mr.B.Prakash Adiapadam

For Respondent : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor
Pondicherry for R1



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ORDER

The Criminal Original Petition has been filed to call for the records relating to the case in Spl.S.C.No.51 of 2023 on the file of the Sessions Judge, Fast Track Court exclusively to deal with offence under the POCSO Act, at Puducherry and quash the same.

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 Memo of Compromise dated 25.09.2023 signed by both petitioner and second respondent/*de facto* complainant and their respective counsel has been filed before this Court. A compromise affidavit has also been filed by the second respondent/de-facto complainant before this Court. The petitioner and second respondent were also present in person before this Court. In the affidavit 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.51 of 2023 pending on



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the file of the Sessions Judge, Fast Track Court exclusively to deal with offence under the POCSO Act, at Puducherry.

4.This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The victim girl Mahalakshmi was present before this Court. She is stated that her date of birth is 22.03.2004. She further stated that she married the petitioner on 13.05.2022 and there is a four months old girl child named Dheekshana. The child was also present along with the victim girl. The mother of the victim girl viz., Parameshwari was also present before this Court and she also confirmed the fact. Both the victim girl as well as her mother stated that they are not interested in prosecuting the case.

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 Suprme 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 in Spl.S.C.No.51 of 2023, pending on the file of the Sessions Judge, Fast Track Court exclusively to deal with offence under the POCSO Act, at Puducherry.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.51 of 2023, pending on the file of the the Sessions Judge, Fast Track Court exclusively to deal with offence under the POCSO Act, at Puducherry, is quashed and the terms of Joint Memo of Compromise and affidavit shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

04.01.2024

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr

To

1.The Sessions Judge,
Fast Track Court exclusively to deal with offence under
the POCSO Act,
Puducherry.



2.The Inspector of Police,
Union Territory of Puducherry,
Muthialpet Police Station,
Muthialpet Circle, Puducherry.

3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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