



CrI.O.P No.27269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.27269 of 2023

Dhilipan

... Petitioner

.VS.

1.State

Inspector of Police
All Women Police Station
Thudiyalur
Coimbatore.
(Cr.No.30 of 2022)

..1st Respondent

2.Kaviya

..2nd Respondent/Victim

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the proceedings in Spl.SC.No.79 of 2023, on the file of the Court of Special Court for Exclusive Trial under POCSO Act, Coimbatore and quash the same.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1



ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.SC.No.79 of 2023, on the file of Special Court for Exclusive Trial 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 petitioner and the victim girl was present along with her mother Sathya in person before this Court and they were identified by Mrs.J.Sumathi, Gr-I, AWPS, Thudiyalur. The mother of the victim girl stated that her daughter married the petitioner and through the marriage, a son was born named as Kavinesh Kumar. The victim girl was also present before this Court and she stated that she is living happily with the petitioner. She also brought the child along with her at the time of hearing.

4. A Joint Compromise Memo dated 25.09.2023 signed by both petitioner and second respondent/victim and their respective counsel has been filed before this Court. An affidavit has also been filed by the second 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. The petitioner and second respondent/victim girl were also present in person before this Court. In the affidavit,



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it has been stated that the petitioner and the second respondent/victim girl have entered into a compromise and amicably settled their issues in Spl.SC.No.79 of 2023, on the file of Special Court for Exclusive Trial under POCSO Act, Coimbatore.

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 Spl.SC.No.79 of 2023, pending on the file of Special Court for Exclusive Trial under POCSO Act, Coimbatore.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.SC.No.79 of 2023, pending on the file of Special Court for Exclusive Trial under POCSO Act, Coimbatore, is quashed and the terms of Joint compromise memo and affidavit shall form part and parcel of this order.

02.01.2024

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

N. ANAND VENKATESH., J



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KP

To

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

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