



WEB COPY



1

CrI O.P. No.4084 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.4084of 2024

1. Sarath S/o. Kumar

2. Desammal W/o. Kumar

...Petitioners

Vs.

1. State Rep by its
The Inspector of Police,
W13 All Women Police Station,
Washermenpet,
Chennai District – 600 021.

2. Aarthi D/o. Deva

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to
call for the records in Spl. S.C. No.176 of 2022 pending on the file of the
Special Court for exclusive trial of cases under POCSO Act, Chennai and
quash the same.

For Petitioner : Mr. M. Sankar

For Respondent : Mr. A. Gopinath
Government Advocate (CrI. Side)



WEB COPY

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings pending in Spl. S.C. No.176 of 2022 pending on the file of the Special Court for exclusive trial of cases under POCSO Act, Chennai.

2. The 2nd respondent / defacto complainant was present before this Court and she stated that she had a love affair with the 1st petitioner. She also married him in the year 2023. She had some wordy quarrel with the 1st petitioner and therefore she gave a complaint. She stated that she wants to live with the 1st petitioner and she is not interested in prosecuting this case. The 1st petitioner is now confined at Puzhal Prison, Chennai.

3. The case is still in the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. 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



WEB COPY

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, quash the proceedings in Spl. S.C. No.176 of 2022 pending on the file of the Special Court for exclusive trial of cases under POCSO Act, Chennai. The 1st petitioner shall be released on bail in this case, if his presence is not required in other cases.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl. S.C. No.176 of 2022 pending on the file of the Special Court for exclusive trial of cases under POCSO Act, Chennai is quashed.

23.02.2024

Index : Yes / No
Internet : Yes / No
mjs

N.ANAND VENKATESH, J.,



WEB COPY

To

1. The Special Judge, Special Court for exclusive trial of cases under POCSO Act, Chennai.
2. The Inspector of Police,
W13 All Women Police Station,
Washermenpet,
Chennai District – 600 021.
3. The Public Prosecutor,
High Court of Madras, Madras-104.

Crl.O.P.No.4084 of 2024**23.02.2024**