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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.92 of 2024
and Crl.M.P.No.108 of 2024

1.Rajendiran
2.Sumathy
3.Saraswathi
4.Maha @ Mahalakshmi
5.Murugan
6.Poongavanam ... Petitioners

Vs.

1.State Rep. by
The Inspector of Police,
All Women Police Station,
Vandhavasi,
Thiruvannamalai District.
(Crime No.15 of 2021)

2.Elizhabeth Rani ...Respondents

PRAYER : 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.115 of 2022 on the file of Special Court for POCSO Act cases, Thiruvannamalai, Thiruvannamalai District and quash the same.

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For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.A.Gopinath
Government Advocate for R1

O R D E R

The Criminal Original Petition has been filed to call for the records relating to the case in Spl.S.C.No.115 of 2022 on the file of the Special Court for POCSO Act cases, Thiruvannamalai, Thiruvannamalai District 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.The Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the 2nd respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Ms.T.Santhi, WSSI, Rasipuram All Women Police Station, Vandavasi. In the joint compromise memo it has been stated that the petitioners and the second respondent had entered into a compromise and

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amicably settled their issues in Spl.S.C.No.115 of 2022 pending on the file of the Special Court for POCSO Act cases, Thiruvannamalai, Thiruvannamalai District.

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 Monisha was present before this Court. She is stated that her date of birth is 20.01.2005. She further stated that there is a child through the marriage with the 1st petitioner named Monishraj, aged about six months. The child was also brought at the time of hearing. She further stated that she is now living happily with the 1st petitioner.

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.115 of 2022, pending on the file of the Special Court for POCSO Act cases, Thiruvannamalai, Thiruvannamalai District.

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N.ANAND VENKATESH, J

ssr

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.115 of 2022, pending on the file of the the Special Court for POCSO Act cases, Thiruvannamalai, Thiruvannamalai District, is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

05.01.2024

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

To

1.The Special Court for POCSO Act cases,
Thiruvannamalai, Thiruvannamalai District

2.The Inspector of Police,
All Women Police Station,
Vandhavasi,
Thiruvannamalai District.

3.The Public Prosecutor,
High Court, Madras.

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