



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.333 of 2024

Sakalakaladharan

... Petitioner /Accused

.VS.

1.The State of Tamilnadu rep.by
Inspector of Police
Tindivanam All Womens Police Station
Villupuram District.

..1st respondent/Complainant

(FIR No.14/2023)

2.Mohana

..2nd respondent/de facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Spl.SC.No.105 of 2023, on the file of Sessions Court for POCSO case, Villupuram District, Villupuram and quash the same.

For Petitioner : Mr.V.Vijayashankar

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1



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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.SC.No.105 of 2023, on the file of Sessions Court for POCSO case, Villupuram District, Villupuram.

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 was present along with her mother. This Court confronted the victim girl with the statement that was made by her before the learned Magistrate while recording Statement under Section 164 Cr.PC. The victim girl who is now aged about 15 years, stated that the petitioner who was the Headmaster was very strict and he had castigated when the victim girl was not properly studying. Hence, the victim girl seems to have complained the same to her mother and the mother of the victim girl had given the complaint. The victim girl confirmed that no such incident had taken place. The statement made by the victim girl was not supported by any of the other witnesses who were also studying with the victim girl and whose statements were also recorded u/s.164 Cr.PC.

4.The mother of the victim girl who was present before this Court stated that the complaint itself was given out of anger since the 2nd respondent/de facto



complainant was very strict with her daughter. The mother of the victim girl stated that no such incident took place and that the entire complaint was given at the spur of the moment. She further stated that the petitioner did not commit any offence in this case and that she does not want to continue the criminal prosecution against the petitioner.

5. A Joint Compromise Memo dated 12.12.2023, signed by both petitioner and second respondent/de facto complainant and their respective counsel has been filed before this Court. The petitioner and second respondent/de facto complainant and the victim girl were also present in person before this Court. In the affidavit, it has been stated that the petitioner and the second respondent/de facto complainant have entered into a compromise and amicably settled their issues in Spl.SC.No.105 of 2023, on the file of Sessions Court for POCSO case, Villupuram District, Villupuram.

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, quash



the proceedings in Spl.SC.No.105 of 2023, on the file of Sessions Court for POCSO case, Villupuram District, Villupuram.

7.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.SC.No.105 of 2023, on the file of Sessions Court for POCSO case, Villupuram District, Villupuram, is quashed and the terms of Joint compromise memo and affidavit shall form part and parcel of this order.

18.01.2024

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



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To

1. Inspector of Police
Tindivanam All Womens Police Station
Villupuram District.
2. Sessions Court for POCSO case,
Villupuram District, Villupuram.
3. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH., J
KP

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