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Criminal Original Petition No.6403 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.6403 of 2024

and

Crl.M.P.No.4717 of 2024

- 1.Murali
S/o.Omurugan
2. Omurugan
S/o.Periyasamy
3. Selvi
W/o.Omurugan
- 4.Arumugam
S/o.Mannankatti
5. Ananthi
W/o.Arumugam

... Petitioners

Vs.

1. The Union Territory of Puducherry
Represented by
The Inspector of Police
Thirukkanur Police Station
Puducherry
Cr.No.86 of 2023

2. XXXX (Female aged 17 years)

... Respondents



Criminal Original Petition No.6403 of 2024

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to impugned Spl.S.C.No.227 of 2023 pending on the file of Sessions Judge, Fast Track Court, exclusively to deal with offence under the POCSO Act at Puducherry and quash the same.

For Petitioners : Mr.E.Anbarasan

For Respondents : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor [R1]

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.227 of 2023 pending on the file of Sessions Judge, Fast Track Court, exclusively to deal with offence under the POCSO Act at Puducherry.

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.



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3. A Joint Compromise Memo dated 05.03.2024 signed by both parties and affidavits of petitioners and second respondent have been filed before this Court. The petitioners and second respondent were also present in person before this Court and they were identified by Mr.D.Duraikannan, Police Constable, Thirukkanur Police Station, Puducherry. In the Joint Memo of Compromise and in the affidavits, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Spl.S.C.No.227 of 2023 pending on the file of Sessions Judge, Fast Track Court, exclusively to deal with offence under the POCSO Act at Puducherry.

4. This Court also enquired both the parties. The victim girl stated that her date of birth is 26.08.2006 and that she married the first petitioner and through the marriage, a girl child was born, named Jishitha, aged 5½ months. She stated that she came along with her parents and her in-laws. She requested this Court to close the criminal case considering the interest of all the parties concerned. This Court was



satisfied that the parties have come to an amicable settlement between themselves.

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. quashes the proceedings in Spl.S.C.No.227 of 2023 pending on the file of Sessions Judge, Fast Track Court, exclusively to deal with offence under the POCSO Act at Puducherry.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.227 of 2023 pending on the file of Sessions Judge, Fast Track Court, exclusively to deal with offence under the POCSO Act at Puducherry, is quashed and the terms of Joint



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Compromise Memo dated 05.03.2024 and the terms of affidavits shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

15.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

- 1.The Sessions Judge, Fast Track Court,
(POCSO Act) at Puducherry
2. The Inspector of Police
Thirukkanur Police Station
Puducherry
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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