



Crl.O.P.(MD)No.2273 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.2273 of 2023

Palanimurugan

... Petitioner/Sole Accused

Vs.

1.The State Represented by
The Inspector of Police,
Theppakulam Police Station,
Madurai City.
Crime No.99 of 2021

... 1st Respondent/Complainant

2.Kamatchi

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the charge sheet in Special S.C.No.211 of 2021 on the file of the learned Special Court for Exclusive trial of POCSO Act Cases, Madurai.

For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondents : Mr.A.Albert James

Government Advocate (Crl. side) for R1

Mr.S.Maruthu Pandian for R2



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in Special S.C.No.211 of 2021, on the file of the Special Court for Exclusive trial of POCSO Act Cases, Madurai.

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 and her mother were present through video conferencing mode at the time of hearing. The victim girl stated that she has married the petitioner and there is already a son aged about 2 ½ years. She further stated that she is in advanced stage of pregnancy for the second child and she is going to deliver a child in the coming four days. Her mother, who was present along with the victim girl, confirmed this fact. She further stated that the parents of the petitioner have also accepted this marriage and that her daughter and the petitioner are now



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living happily together. She further stated that she does not want to continue the criminal prosecution against the petitioner.

4.A Joint Compromise Memo dated 20.01.2023, signed by both petitioner and the second respondent/de facto complainant along with the victim girl and their respective counsel has been filed before this Court. The petitioner and the second respondent along with the victim girl were also present in person before this Court through video conferencing mode and they were identified by Mr.K.Selvakannan, Special Sub Inspector of Police, Theppakulam Police Station, Madurai. In the affidavit, it has been stated that the petitioner and the second respondent/defacto complainant along with the victim girl have entered into a compromise and amicably settled their issues in Special S.C.No. 211 of 2021, on the file of the Special Court for Exclusive trial of POCSO Act Cases, Madurai. The relevant portion of the said affidavit is extracted hereunder:

“4.I submit that I have filed a Joint Compromise Memo and the present affidavit is sworn in addition to the said memo. I



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submit that I am not very much interested in proceeding with the criminal case. I submit that the allegations are trivial in nature and at present the matrimonial dispute. I submit that the pendency of the criminal case will not serve any purpose as the dispute among us. I submit that the present affidavit forms part and parcel of the Joint Compromise Memo as well as the present criminal original petition.”

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 Special S.C.No.211 of 2021, on the file of the Special Court for Exclusive trial of POCSO Act Cases, Madurai.



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6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Special S.C.No.211 of 2021, on the file of the Special Court for Exclusive trial of POCSO Act Cases, Madurai, is quashed and the terms of Joint compromise memo and affidavit shall form part and parcel of this order.

16.12.2024

Index: Yes/No
Internet: Yes/No
sjj

To

- 1.The Special Court for Exclusive trial of POCSO Act Cases, Madurai.
- 2.The Inspector of Police,
Theppakulam Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH.J.,

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