



Crl.O.P.(MD)No.19439 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2024

CORAM:

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P.(MD)No. 19439 of 2022

and

CrlMP(MD)No.13226 of 2022

Subburaj

... Petitioner / Sole Accused

Vs.

1.The State Rep by
The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tenkasi District.
(Crime No.1 of 2020)

... 1st Respondent/Complainant

2.XXXX

... 2nd Respondent/Defacto
Complainant

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records in S.C.C.No.48 of 2021 on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli and quash the same.

For Petitioner : Mr.R.J.Karthick

For R1 : Mr.R.M.Anbunithi
Government Advocate (Crl.Side)

For R2 : Mr.L.Subramanian Kishore



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ORDER

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This petition has been filed to quash the S.C.C.No.48 of 2021 pending on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli.

2.The second respondent/defacto complainant is present before this Court and submitted that the marriage was solemnized between the petitioner and the second respondent/defacto complainant in the presence of both side family members. Due to wedlock, they have blessed with a child. The petitioner and the second respondent/defacto complainant are leading a happy life under the same roof. Further, the second respondent/defacto complainant undertakes to pay the compensation amount already received by her from the Government of Tamilnadu.

3.The contention of the petitioner is that based on the complaint lodged by the second respondent, the first respondent registered First Information Report in Crime No.1 of 2020 for the offences punishable under Section 376 of IPC and Section 6, 5(n), 5(j)(ii) of the Protection of Children from Sexual Offences Act, 2012, against the petitioner.



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4.The further contention of the petitioner is that they compromised the issue between them and the second respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioner and the second respondent and also by their respective counsels.

5.The petitioner and the second respondent appeared along with their respective counsels and also produced their Aadhar cards before this Court. They were also identified by the learned Government Advocate (Crl.Side). Both the parties were enquired by me and they accepted the terms of compromise. Hence the Compromise Memo is recorded.

6. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioner and also in view of the joint compromise memo, dated 02.11.2022, this Court is of the opinion that no useful purpose will be served by keeping the matter pending.

7.In the result, the Criminal Original Petition stands allowed and the entire proceedings in S.C.C.No.48 of 2021 pending on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Tirunelveli, is hereby



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quashed in respect of the petitioner and the terms of joint compromise memo shall form part of this order. Consequently, the connected miscellaneous petition is closed.

24.04.2024

NCC : Yes/No
Internet: Yes
Index: Yes/No
Speaking order/Non-Speaking order
dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Special Court for the Exclusive Trial of POCSO Act Cases,
Tirunelveli.
2. The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.A.NAKKIRAN, J.,

dss

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