



Crl.O.P.(MD)No.20201 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20201 of 2024

Sakthimurugan

... Petitioner

Vs.

1.State Rep. by,
The Inspector of Police,
AWPS Thirumangalam Police Station,
Madurai District.
(Cr.No.7/2022)

2.Murugeswari

3.XXX,

Madurai District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in Spl.S.C.No.157 of 2022, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai District and quash the same as illegal as against the petitioner.

For Petitioner : Mr.S.Sivaprakash

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl., Side)

For R2 & R3 : Mr.S.Azhagumalai



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in Spl.S.C.No.157 of 2022, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai District and quash the same.

2.The case of the prosecution is that on 28.03.2022, at about 07.00 a.m., the victim girl / 3rd respondent went to school, however, after sometimes, the school teacher called the defacto complainant / 2nd respondent and informed that the 3rd respondent did not come to the school. When the 2nd respondent along with her relatives and neighbors was searching the 3rd respondent, the petitioner dropped the 3rd respondent in Koodakovil Bus Stop at about 3.30 p.m. Thereafter, when the 2nd respondent enquired the 3rd respondent about the same, the 3rd respondent informed that when she was standing in the bus stop, the petitioner picked up her in his bike and while travelling to Meenakshi Amman Temple, he stopped his vehicle and kissed her without her permission and thereafter, dropped her in the bus stop and threatened her on the pretext that he will upload their photos in social media. Hence, the complaint has been registered against the petitioner.



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3.The learned counsel appearing for the petitioner would submit that the 2nd respondent lodged a complaint before the 1st respondent and F.I.R., was registered in Crime No.7 of 2022. After investigation, final report has been filed and the same is taken cognizance in Spl.S.C.No.157 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai District for the offences under Sections 7, 8, 11(4) and 12 of POCSO Act against the petitioner.

4.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves, for the reason that if this case proceeds further, it would affect the life and studies of the petitioner and the 3rd respondent, since the petitioner is studying L.L.B., in Vishakha Law College, Andra University and the 3rd respondent is studying B.A., Tamil in Kamarajar University, Kappalur. Therefore, the 2nd respondent is agreeing to withdraw the complaint and not willing to pursue the case.

5.A Joint Memo of Compromise filed before this Court signed by the petitioner and the respondents 2 and 3 and their respective counsels. The petitioner and the respondents 2 and 3 are present before this Court and they are



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identified by Ms.M.Vanitha, WSSI, Thirumangalam AWPS Police Station, Madurai District as well as by the learned counsels appearing for the parties.

This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6.In the instant case, the dispute is of personal in nature and when the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 7, 8, 11(4) and 12 of POCSO Act.

7.The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab and another* reported in (2012) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* reported in (2017) 9 SCC 641 were taken into consideration.

8.In the light of the guidelines issued in the above said judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Spl.S.C.No.157 of 2022 as against the petitioner pending before the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai District, even though the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.157 of 2022, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai District, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

29.11.2024

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The Special Court
for Exclusive Trial of Cases
under POCSO Act, Madurai District.
2. The Inspector of Police,
AWPS Thirumangalam Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Yuva

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