



Crl.O.P.(MD)No.20980 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20980 of 2024

M.Shoban Babu

... Petitioner

Vs.

1.The State rep.by its
The Inspector of Police,
All Women Police Station,
Colachal, Kanyakumari District.
(Crime No.42 of 2022)

2.xxxxxxxxxx

Kanyakumari District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the impugned charge sheet in Special S.C.No.22 of 2023 on the file of the Special Court for the exclusive trial of POCSO Act Cases, Nagercoil and quash the same.

For Petitioner	: Mr.S.Sankar
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl. Side)
For R2	: Mr.P.Arun Jeyatram



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in S.C.No.22 of 2023 on the file of the learned Special Court for the exclusive trial of POCSO Act Cases, Nagercoil.

2. The case of the prosecution is that the defacto complainant and the petitioner loved each other and they had sexual relationship. However, the petitioner refused to marry the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.42 of 2022 and after investigation, final report was filed and the same was taken cognizance in S.C.No.22 of 2023, on the file of the Special Court for the exclusive trial of POCSO Act Cases, Nagercoil for the offences under Sections 450 IPC r/w Section 5(j)(ii), 5(1) & 6 of the Protection of Child from Sexual Offences Act, 2012 against the petitioner.



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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. Now, both realized their mistakes, reconciled and the second respondent agrees to withdraw the complaint.

5. A Joint Memo of Compromise is filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent are present before this Court and identified by Ms.A.Subitha, AWPS Police Station, Kanniyakumari District, as well as by the learned counsel 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 without any compulsion.

6. In the instant case, after the registration of FIR, the petitioner and the defacto complainant have married and are living together. The marriage certificate is also annexed in the typed set of papers. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.



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7. The legal position expressed by the Hon'ble Apex Court in the case of ***K.Dhandapani Vs. State by the Inspector of Police*** reported in ***2022 SCC Online SC 1056*** is 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 S.C.No.22 of 2023 as against the petitioner pending before the learned Special Court for the exclusive trial of POCSO Act Cases, Nagercoil even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.22 of 2023, on the file of the learned Special Court for the exclusive trial of POCSO Act Cases, Nagercoil is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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09.12.2024



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To

- 1.The Special Court for Exclusive trial POCSO Act Cases,
Nagercoil.
- 2.The Inspector of Police,
All Women Police Station,
Colachal, Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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