



Crl.O.P.No.5391 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5391 of 2025

Ram Kumar

... Petitioner

Vs.

1. The Inspector of Police
W9, All Women Police Station,
Villivakkam, Chennai – 49.

2. Shiva Gnanavalli
3. XXX

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Special S.C.No.136 of 2023 on the file of the learned Additional Special Court for exclusive trial under POCSO Act, Mahalir Neethi Mandram, Allikumar at Chennai and quash the same insofar as this petitioner is concerned.

For Petitioners : Mr.S.Arumugam

For Respondents

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)



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ORDER

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This petition has been filed to quash the proceedings in Special S.C.No.136 of 2023 pending on the file of the learned Additional Special Court for exclusive trial under POCSO Act, Mahalir Neethi Mandram, Allikumar at Chennai, as against the petitioner, thereby taken cognizance for the offences under Sections 5(j)(ii), 6 of Protection of Child from Sexual Offences Act, 2012.

2. Pending this petition, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The learned counsel appearing for the petitioner submitted that now victim girl married the petitioner and living with him in very happiest manner.

4. All the parties are present and identified by their respective counsel and the Police. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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WEB COPY 5. It is seen that now the victim girl viz., the third respondent attains majority and she married the petitioner/accused and gave birth to a child. Their marriage also got registered before the authority concerned. Now both are living happily and therefore, the petitioner need not go for ordeal of trial.

6. Under such circumstances, no useful purpose will be served in keeping the proceeding 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 Guj Rath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in Special S.C.No.136 of 2023 pending trial on the file of the learned Additional Special Court for exclusive trial under POCSO Act, Mahalir Neethi Mandram, Allikumar at Chennai,



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WEB COPY 7. In view of the above, the proceedings in Special S.C.No.136 of 2023 on the file of the learned Additional Special Court for exclusive trial under POCSO Act, Mahalir Neethi Mandram, Allikumar at Chennai, is hereby quashed as against the petitioner and the Criminal Original Petition stands allowed.

28.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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To
WEB COPY

1. The Additional Special Judge,
Special Court for exclusive trial under POCSO Act,
Mahalir Neethi Mandram, Allikumar at Chennai
2. The Inspector of Police
W9, All Women Police Station,
Villivakkam, Chennai – 49.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

rts

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