



CrI.O.P.No.7900 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED:20.02.2025

CORAM:

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

CrI.O.P.No.7900 of 2024
and CrI.M.P.Nos.5758 & 5759 of 2024

Rathan

... Petitioner

Vs.

1. The State,
Rep. by Inspector of Police,
Thavalakuppam Police Station,
Puducherry District.
(Crime No.16 of 2023)

2.Ravichandran

... 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.16 of 2023 on the file of the learned Fast Track Judge, exclusively to deal with offences under the POCSO Act, Puducherry and quash the same.

For Petitioner : Mr.Anand for
Mr.K.Prakash

For Respondents : Mr.M.V.Ramachandramurthy
Government Advocate (CrI. Side)
(Pondy) assisted by

Mr.A.Alexander,



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Government Advocate (CrI.Side)
for R1
Mr.S.Kalaikumar for R2

ORDER

This petition has been filed to quash the proceedings in Special S.C.No.16 of 2023 pending on the file of the learned Fast Track Judge, exclusively to deal with offences under the POCSO Act,, as against the petitioners, thereby taken cognizance for the offences under Sections 363 of IPC and under Section 9 of Prohibition of Child Marriage Act, 2016 and under Section 6 of POCSO Act.

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

3. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioner and the defacto complainant and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card are made part of the record. 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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4. It is seen that now the second respondent and the petitioner on the advise of the elders entered into a compromise and the second respondent on his own voluntariness only comes forward to support the petitioner and complaint lodged by the second respondent is nothing but a false one and he undertakes that he will not initiate any of the proceedings before the Court as against the second respondent and therefore, the petitioner need not go for ordeal of trial.

5. 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in Special S.C.No.16 of 2023 on the file of the learned Fast Track Judge, exclusively to deal with offences under the POCSO Act, Puducherry.

6. In view of the above, the proceedings in Spl. S.C.No.16 of



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2023 on the file of the learned Fast Track Judge, exclusively to deal with offences under the POCSO Act, Puducherry is hereby quashed as against the petitioner. The affidavit filed by the second respondent shall form part and parcel of this Order.

7. Accordingly, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

20.02.2025

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

To

1. The learned Fast Track Judge,
exclusively to deal with offences
under the POCSO Act, Puducherry
2. The Inspector of Police,
Thavalakuppam Police Station,
Puducherry District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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