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Crl.O.P.No. 13628 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2025

CORAM:

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

Crl.O.P.No.13628 of 2025

Shek Mohammed

... Petitioner

Vs.

1.State rep by:
The Inspector of Police,
All Women Police Station,
Avadi, Chennai 600 054.

2.Jayalakshmi

3.XXXXXXX

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Spl.S.C.No.22 of 2021 in Crime No.20 of 2019, pending on the file of the learned Special Court for the Exclusive Trial of POCSO cases at Thiruvallur and to quash the proceedings.

For Petitioner : Mr.J.B.Solomon Peter Kamal Doss



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For R1

: Mr.R.Vinothraja,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.22 of 2021 pending on the file of the learned Special Court for the Exclusive Trial of POCSO cases at Thiruvallur.

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

3. A Joint Compromise Memo has been filed by the petitioner, the second respondent (defacto complainant) and the third respondent (victim girl) before this Court stating that now the third respondent married the petitioner and living with him in very happiest manner. 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.

4. It is seen that now the victim girl attains majority and she



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married the petitioner. 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.

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 proceedings in Spl.S.C.No.22 of 2021 pending trial on the file of the learned Special Court for the Exclusive Trial of POCSO cases at Thiruvallur.

6. In view of the above, the proceedings in Spl.S.C.No.22 of 2021 pending on the file of the learned Special Court for the Exclusive Trial of POCSO cases at Thiruvallur, is hereby quashed as against the petitioner. The Joint Compromise Memo filed by the petitioner, the second respondent (defacto complainant) and the third respondent



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(victim girl) shall form part and parcel of this Order.

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7. Accordingly, the Criminal Original Petition stands allowed.

30.04.2025

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



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To
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1. The Special Court for the Exclusive Trial of POCSO cases ,
Thiruvallur
- 2.The Inspector of Police,
All Women Police Station,
Avadi, Chennai 600 054.
3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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