



Crl.O.P.No.7286 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM:

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

Crl.O.P.No.7286 of 2025
and Crl.M.P.Nos.4667 & 4669 of 2025

Sathappan

... Petitioner

Vs.

1. The State Rep. by
The Inspector of Police,
All Women Police Station – Thudiyalur,
Coimbatore District.
(Crime No.16 of 2023)

2. Durga Devi

... 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.235 of 2024 on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore and quash the same, on the ground of compromise.

For Petitioner : Mr.Vijaya Ragavan

For Respondents

For R1 : Mr.R.Vinothraja
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.235 of 2024 pending on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, as against the petitioner, thereby taken cognizance for the offences under Sections 344, 366 & 376(3) of IPC and Sections 5(l), 5(j)(ii), 6 of the Protection of Child from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006.

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. 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 victim girl viz., the second respondent attains majority and she married the first 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.

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** in the case of ***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.235 of 2024 pending trial on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore.

6. In view of the above, the proceedings in Special S.C.No.235 of 2024 on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, is hereby



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quashed as against the petitioners. The Joint Memo of Compromise filed

by the parties shall form part and parcel of this Order.

7. Accordingly, the Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petitions are closed.

19.03.2025

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

rts



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To
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1. The Sessions Judge,
Principal Special Court for
Exclusive Trial of cases
under POCSO Act,
Coimbatore
2. The Inspector of Police,
All Women Police Station – Thudiyalur,
Coimbatore District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

rts

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