



CrI.OP.No.27449 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.No.27449 of 2022

Prasanth

...

Petitioner

/vs/

1. State, represented by
the Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.
(Crime No.19 of 2020)

2. Sundarrajan

...

Respondents

Prayer : The Criminal Original Petition has been filed under Section 482 Cr.P.C. to call for the records pertaining to the final report in Spl.S.C.No.6 of 2021 pending trial on the file of the learned Sessions Judge, Mahila Court, Krishnagiri and quash the same based on the compromise arrived at between the petitioner and LW2-the alleged victim girl.

For Petitioner

... Mr. A. Balamurugan



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For Respondent

... Mr. S. Santhosh
Govt. Advocate (crl.side)-R1
No appearance

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the final report in Spl.S.C.No.6 of 2021 pending trial on the file of the learned Sessions Judge, Mahila Court, Krishnagiri and quash the same based on the compromise arrived at between the petitioner and LW2-the alleged victim girl.

2. The learned counsel for the petitioner submitted that the petitioner and the daughter of the defacto complainant/2nd respondent had love affair with each other and they have lived together, but hey have not married since victim is a minor girl. He would further submit that now the victim is studying at somewhere else and the petitioner and the victim girl have decided to part with each other amicably. The victim girl did not want to continue the criminal proceedings against the accused. Thus, he pleaded to quash the proceedings in Spl.S.C.No.6 of 2021 pending on the file of the



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learned Sessions Judge, Mahila Court, Krishnagiri.

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3. Perusal of records would reveal that the petitioner/A1 was prosecuted by the respondent police for having committed the offences punishable under sections 363, 366 IPC, section 5(1) r/w section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006 and A2 and A3 were charged for the offence under section 366(A) IPC.

4. The learned Govt. Advocate (crl.side) appearing for the 1st respondent would submit that the case is posted for trial and because of the Criminal Original petition filed before this Court, the trial has not yet commenced.

5. I have considered the submissions of the learned counsel for the petitioner and the learned Govt. Advocate (crl.side) and perused the materials available on record.



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6. It is stated that the petitioner and the victim girl have compromised the affair. On that ground alone, the criminal proceedings cannot be quashed, since there is a charge against the petitioner for the offence punishable under section 9 of the Prohibition of Child Marriage Act, 2006. Further, the contention that the victim girl do not want to continue the criminal proceedings against the accused, has to be considered before the trial court to find out whether she is supporting the prosecution case or not.

7. While considering the case for compromise under Section 482 of Cr.P.C., any disputed fact cannot be adjudicated. Therefore before commencement of criminal trial, it is inappropriate to quash the criminal proceedings, hence, I find no merits in this Criminal Original Petition.

8. Accordingly, this Criminal Original Petition is dismissed.

14.11.2022

Index : Yes/No

Internet : Yes/No

msr



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To

1. The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.

2. The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

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