



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2507 of 2022

xxxxxx

... Petitioner/Sole Accused

WEB COPY

Vs.

1.The state rep by

The Inspector of Police,
Sapptur Police Station,
Sapptur,
Madurai District.

(In Crime No.1852 of 2020)

...1st Respondent/Complainant

2.xxxxxx

...2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.1852 of 2020 on the file of the 1st respondent police and quash the same as illegal as against the petitioner.

For Petitioner : Mr.T.Vadivelan
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side) for R1.
Mr.M.Palani for R2.

O R D E R

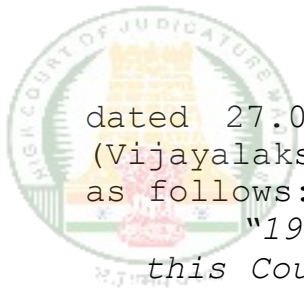
This criminal original petition has been filed for quashing the FIR in Crime No.1852 of 2020 registered on the file of the first respondent.

2.The petitioner and the victim girl have got married to each other. A child has also been born. The name of the petitioner is shown as the father of the child in the birth certificate. The victim and the petitioner are living under one roof. In these circumstances, allowing the prosecution to continue will ruin the lives of both the parties.

3.The defacto complainant is present before this Court in person through video conferencing. He has been duly identified by Ms.P.Manimozhi, Sub Inspector of Police, attached to first respondent police station. The parties have filed a memo of joint compromise. The defacto complainant categorically states before this Court that he does not want to pursue the complaint.

4.I am conscious that the offences under POCSO Act are not compoundable. However, a learned judge of this Court, vide order

<https://hcservices.ecourts.gov.in/hcservices/>



dated 27.01.2021 in the decision reported in CDJ 2021 MHC 636 (Vijayalakshmi Vs. State rep. by the Inspector of Police) had held as follows:-

"19.The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the second respondent. The Hon'ble Supreme Court in the case of Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarath reported in 2017 9 SCC 641 and in the case of The State of Madhya Pradesh Vs. Dhruv Gurjar and another reported in (2019) 2 MLJ Crl 10 has given sufficient guidelines that must be taken into consideration by this Court while exercising its jurisdiction under Section 482 of Cr.P.C., to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine if the crime in question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that the offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

20. In the present case, the offences in question are purely individual / personal in nature. It involves the second petitioner and the second respondent and their respective families only. It involves the future of two young who are still in their early twenties. The second respondent is working as an auto driver to eke his livelihood. Quashing the proceedings, will not affect any overriding public interest in this case and it will in fact pave way for the second petitioner and the second respondent to settle down in their life and look for better future prospects. No useful purpose will be served in continuing with the criminal proceedings and keeping these proceedings will only swell the mental agony of the victim girl and her mother and not to forget the second respondent as well."

5. Respectfully adopting the very same approach, I quash the impugned proceedings also. The parties have also filed a joint memo of compromise before this Court. The same is taken on record. The impugned proceedings stand quashed. The criminal original petition is allowed. The joint compromise memo will form part of the order.

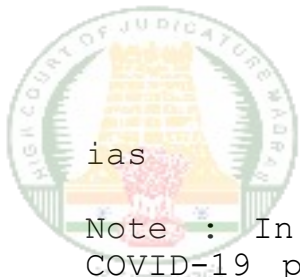
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



ias

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Inspector of Police,
Sapptur Police Station,
Sapptur,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.2507 of 2022
04.02.2022

SB (CO)
KB (23.02.2022) 3P 3C