



*Crl.O.P.(MD) No.13875 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.08.2022

CORAM:

THE HONOURABLE **MR.JUSTICE V.SIVAGNANAM**

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1. Manikandan
2. Alagu
3. Suresh
4. Vidhya

... Petitioners

Vs.

1. The Inspector of Police  
All Women Police Station  
Thiruparakundram  
Madurai District

2. Rohini

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records connected to the impugned Final Report in Spl.S.C.No.187/2021 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act Madurai and quash the same as against the petitioners.



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For Petitioners : Mr.R.Karunanithi  
For Respondents : Mr.A.Albert James  
No.1 : Government Advocate(Crl.Side)  
No.2 : Mr.R.Mathavaselvan

**ORDER**

The Criminal Original Petition has been filed to quash the Charge Sheet in Spl.S.C.No.187/2021 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act Madurai, for the offences punishable under Sections 9,10 of Prohibition of Child Marriage Act, 2006 and Section 5(1),6 and 17 of Protection of Child from Sexual Offences Act,2012 in Crime No.14 of 2021.

2.The defacto complainant had completed 12<sup>th</sup> standard during the academic year 2020-2021. She alleged that the petitioners 2 and 3 arranged the marriage between her and the first petitioner , while she was 17 years old. Further she alleged that the marriage was conducted on 07.07.2021 at Maasaniyamman kovil, Thanakkankulam, Madurai District, hence the defacto complainant lodged complaint.



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3.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mrs. S.Amutha, WSSI, All Women Police Station, Thiruparankundram as well as by the learned Counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. In the instant case, the defacto complainant married the first petitioner after she attained majority, therefore the complainant do not want to continue the criminal proceedings as against the accused persons. Where the parties have compromised the matter, the High Court has to



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power to quash the complaint for the offence under Sections 9,10 of Prohibition of Child Marriage Act, 2006 and Section 5(1),6 and 17 of Protection of Child from Sexual Offences Act,2012.

6. The legal position expressed by the Hon'ble Apex Court in the case of **Gian Singh vs. State of Panjab** and another reported in **(2012)10 SCC 303** and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath** reported in **(2017)9 SCC 641** were taken into consideration.

7. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Spl.S.C.No.187/2021 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act Madurai, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.187/2021 pending on the file



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of the Special Court for Exclusive Trial of Cases under POCSO Act  
Madurai is quashed and the terms of joint compromise memo shall form  
part and parcel of this order.

02.08.2022

Internet: Yes  
Index: Yes/No  
Speaking/Non speaking order  
aav

To

1. The Special Court for Exclusive Trial of Cases under POCSO Act  
Madurai
2. The Inspector of Police  
All Women Police Station  
Thiruparakundram  
Madurai District
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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