



Crl.O.P.(MD)No.464 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.464 of 2023

Mariselvam

... Petitioner/
Sole Accused

Vs.

1.The State represented by
The Inspector of Police,
Central Police Station,
Thoothukudi District.
(Crime No.109 of 2020)

... Respondent/
Complainant

2.XXXX

... Respondent/
Defacto
Complainant

3.XXXX

... Respondent/
Victim

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the case in Juvenile Case No.33 of 2020 pending on the file of the Juvenile Justice Board, Thoothukudi and quash the same as against the petitioner.



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For Petitioner : Mr.R.Anand
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 & R3 : Mr.S.Ashok

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records relating to the case in Juvenile Case No.33 of 2020 pending on the file of the Juvenile Justice Board, Thoothukudi and quash the same.

2. The case of the prosecution is that on 12.03.2020, the petitioner had married the third respondent/victim, who is aged 17 years and had physical relationship with her.

3. The learned counsel appearing for the petitioner would submit that the second respondent, who is the father of the third respondent, has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.109 of 2020 dated 13.03.2020 as 'Girl Missing' and the same was altered into Sections 363, 366 and 376 IPC



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and Sections 3 r/w 4 of Protection of Child from Sexual Offences Act, 2012 and after investigation and filing of the final report, the same was taken cognizance in Juvenile Case No.33 of 2020 on the file of the Juvenile Justice Board, Thoothukudi for the offences under Sections 363, 363 and 376 IPC and Sections 3 r/w 4 of Protection of Child from Sexual Offences Act, 2012 against the petitioner. He would further submit that at the time of the alleged occurrence, the petitioner is a juvenile and that the petitioner and the third respondent are coming under the prohibited relationship and an affidavit to that effect is filed by the second respondent before this Court.

4. The learned counsel appearing for the respondents 2 and 3 would submit that the second respondent had already arranged marriage for the third respondent in Trichy.

5. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that the petitioner is not having any previous cases.



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6. The case is under trial. Since the second respondent has arranged marriage for the third respondent in Trichy, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

7. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the respondents 2 and 3 and also by their respective counsels. The petitioner and the respondents 2 and 3 are present before this Court and and they were identified by Mr.C.Selvan, Special Sub Inspector, Central Police Station, Thoothukudi 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.

8. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Sections 363, 363 and 376 IPC and Sections 3 r/w 4 of Protection of Child from Sexual Offences Act, 2012.



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9. 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 Gujraath*** reported in ***(2017)9 SCC 641*** were taken into consideration.

10. 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 Juvenile Case No.33 of 2020 pending before the Juvenile Justice Board, Thoothukudi, even though, the offences involved are not compoundable in nature.

11. Accordingly, this Criminal Original Petition is allowed and the proceedings in Juvenile Case No.33 of 2020, on the file of the Juvenile Justice Board, Thoothukudi, is quashed and the joint compromise memo shall form part and parcel of this order.

13.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



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K.MURALI SHANKAR,J.

csn

To

- 1.The Juvenile Justice Board,
Thoothukudi.
- 2.The Inspector of Police,
Central Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.464 of 2023

Dated: 13.02.2023