



Crl.O.P.(MD)No.1388 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1388 of 2023

1.K.Nagarajan

2.Jeya

3.Kubendhran

4.Thilagavathy

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

2.Madhumitha

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the case in Spl.S.C.No.95 of 2022 on the file of the Mahila Court (Fast Track), Dindigul and quash the same.

For Petitioners : Mr.A.Chandrakumar,

For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)



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For R2

: Mr.V.M.Jegadeeshpandian

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 Spl.S.C.No.95 of 2022 on the file of the Mahila Court (Fast Track), Dindigul and quash the same .

2. The case of the prosecution is that the marriage was solemnized between the first petitioner and the second respondent, who was aged 17 years, in front of both family members. Due to that, the second respondent became pregnant and subsequently, she was admitted in Government Hospital, Vedachandur for delivery. The Hospital Authority had informed the respondent and on that basis a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners would submit that on the basis of the information from the Hospital Authority, FIR came to be registered in Crime No.1199 of 2021 and after investigation



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and filing of the final report, the same was taken cognizance in Spl.S.C.No.95 of 2022 on the file of the Mahila Court (Fast Track) Dindigul, for the offences under Sections 5(l), (n), (j), (ii) of POCSO Act r/w Section 6 of POCSO Act and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006, against petitioners. He would further submit that the victim girl was more than 16 years at the time of alleged incident; that the petitioner had married the victim girl/second respondent herein; that they were blessed with a female child and that they are living happily in their village. He would further submit that the marriage was registered on 10.02.2023 and he has also produced the copy of the Marriage certificate.

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

5. 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 counsels. The petitioners and the second respondent are present before this Court and and they were identified by



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S.Jaefar, SSI, Dindigul Taluk Police Station, 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.

6. 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 to power to quash the complaint for the offence under Sections 5(l), (n), (j), (ii) of POCSO Act r/w Section 6 of POCSO Act and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006.

7. 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.

8. 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.95 of 2022 as against the



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petitioners pending before the Mahila Court (Fast Track), Dindigul, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.95 of 2022, on the file of the Mahila Court (Fast Track), Dindigul, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

27.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Mahila Court (Fast Track), Dindigul.
- 2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.1388 of 2023

Dated: 27.02.2023