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CrI.O.P.No.1442 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1442 of 2024

R.Iyyanar

... Petitioner

Vs.

1.The Union Territory of Puducherry Represented by
The Inspector of Police
"D" Nagar Police Station,
Puducherry,
Cr.No.15/2024.

2.XXXXXXX

Represented by her Mother Mrs.Bhuvaneshwari
as in the capacity of Natural Guardian ... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records relating to impugned Crime No.15 of 2024 dated 10.01.2024, pending on the Inspector of Police, D-Nagar Police, Puducherry and quash the same.

For Petitioner : Mr.Prakash Adiapadam
Assisted By
Mr.E.Anbarasan

For Respondents : Mr.K.S.Mohandoss for R1
Public Prosecutor (Puducherry)



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ORDER

The criminal original petition has been filed seeking to quash the F.I.R. in Crime No.15 of 2024, pending on the file of the first respondent.

2.The victim girl was present before the Court. She stated that she fell in love with the petitioner and wanted to live with him. It was initially opposed by her parents and subsequently, they have now accepted the relationship. She further stated that she is now five months pregnant. Only when she went to Hospital for taking treatment, her age was ascertained and immediately, a complaint was given which resulted in the registration of F.I.R., for offence under POCSO. The victim girl came along with her Mother Bhuvaneshwari. The Mother of the victim girl requested this Court to close the criminal case considering the future of the petitioner and her daughter. She further stated that she hails from the family which undertakes last rites in the burial ground. She further stated that the petitioner is also a person who ekes his livelihood by playing band during the funeral ceremonies.



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3.The above background of the respective parties has a lot of significance in this case. Strictly speaking, there is an offence under POCSO since the petitioner was having a relationship with the minor girl. However, considering the facts and circumstances of the case and the background of the parties and also taking into account the future of the petitioner and the victim girl, this Court is inclined to interfere with the criminal proceedings.

4.The learned Public Prosecutor (Puducherry) opposed the quashing of the proceedings on the ground that the victim girl is still a minor and that she is now pregnant and therefore the petitioner must be punished. To substantiate the same, the learned Public Prosecutor (Puducherry) relied upon the counter affidavit filed by the first respondent.

5.The provisions of the POCSO Act is not meant to punish in every case where it involves a minor. The Court must be sensitive to the prevailing standards in the society and the exposure of the children. The victim girl was forthright when she stated that she fell in love with the petitioner and she wants to continue her relationship with the petitioner.



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6.Under such circumstances, if the petitioner is prosecuted, it will not be in the interest of the victim girl. Hence, this Court is inclined to quash the criminal proceedings.

7.The Joint Memo of Compromise dated 18.01.2024 has been filed before this Court which have been signed by the petitioner and the second respondent. The affidavit of the second respondent dated 17.01.2024 has also been filed before this Court. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.P.Chandira Kumar, Additional Sub Inspector of Police, D-Nagar Police Station, Puducherry. In the joint compromise memo it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in Crime No.15 of 2024.

8.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of**



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Gujrath), and after exercising due caution as advised by the Hon'ble Supreme Court in ***The State of Madhya Pradesh Vs. Dhruv Gurjar and Another*** reported in **(2019) 2 MLJ CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.15 of 2024, on the file of the first respondent Police.

9.This criminal original petition stands allowed and as a sequel, the proceedings in Crime No.15 of 2024, on the file of the first respondent police, is quashed in entirety and the terms of Joint Memo of Compromise shall form part and parcel of this order.

24.01.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Inspector of Police
"D" Nagar Police Station,
Puducherry,
Cr.No.15/2024.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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N.ANAND VENKATESH,J.
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