



CRL.O.P (MD) No.4614 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.10.2024

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.O.P (MD) No.4614 of 2023

and

CRL.M.P (MD)No.4029 of 2023

Raja

... Petitioner

Vs

1. The Deputy Superintendent of Police,
Puliyangudi,
Tenkasi District.

2. The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

3. Gurupakkiam

4. XXXX

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records pertaining to the impugned FIR in Crime No. 536 of 2020 dated 17.11.2020 on the file of the second respondent police and quash the same as illegal.



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For Petitioner : Mr.S.Sabbani Karbura Jothi
For R-1 & R-2 : Mr.M.Aasha
Government Advocate (Crl. Side)
For R-3 : No appearance
For R-4 : Mr.A.Arputharaj

ORDER

This Criminal Original Petition is filed to quash the impugned FIR in Crime No.536 of 2020 dated 17.11.2020 on the file of the second respondent police.

2. The learned Counsel for the petitioner seeks quashment of the case on compromise. The joint compromise memo is also filed. The learned Counsel for the petitioner submitted that this is a case where the parties have developed a relationship, and married before the statutory age. They are now living together as husband and wife and they have also got two children. The parties were present before this Court. This Court also enquired with the parties. On that occasion, the defacto complainant submitted that she does not want to press the case and that the case can be closed. It was found that the defacto complainant had



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received a compensation amount and therefore, the learned Government Advocate (Crl. side) submitted that they have to refund the compensation amount of Rs.3,00,000/- which is received by them. Accordingly, the matter was adjourned today. Today (28.10.2024), the challan as well as the receipt for repayment of Rs.3,00,000/- (Rupees Three Lakhs only) had been produced before this Court. The same is also verified and found to be correct by the learned Government Advocate (Crl. side).

3. In cases of this nature, this Court cannot go as per the version of the prosecutrix alone. This Court has to consider the gravamen of the offence and take into consideration the overall facts and circumstances of the case. The perusal of the statement under Section 161 of Cr.P.C., and the other materials, it can be seen that this is a case in which the first petitioner got married to the victim child, albeit before the age of 18. The victim child was 16 years of age at the time of occurrence.

4. Considering the nature of allegations in this case and the statement made and the fact that the defacto complainant also will be no more interested in supporting the case of the prosecution and possibility



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of getting a conviction in this case is also nil and considering the fact that it is in the nature of relationship and they are living together as husband and wife and having two children, I am of the view that this is an extraordinary where this Court can exercise its inherent powers and quash this case. Now, the case is said to be pending in Spl.CC.No.84 of 2024 before the Special Court for POSCO Cases, Tirunelveli.

5. For all the above reasons, the case in Spl.C.C.No.84 of 2024 pending on the file of the Special Court for POCSO Case, Tirunelveli, shall stand quashed. The joint compromise memo shall form part and parcel of the order.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

28.10.2024

NCC : Yes/No
Internet: Yes/No
Index: Yes/No
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To
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1. The Deputy Superintendent of Police,
Puliyangudi,
Tenkasi District.
2. The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY,J

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