



Crl.O.P.(MD)No.9192 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.9192 of 2024

1.M.Sujith Kumar

2.R.Kumar

3.K.Pandiyammal

4.P.Murugan

5.M.Kanagavalli

: Petitioners/A1 to A5

Vs.

1.State represented by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Crime No.517 of 2021)

2.Pushpakala
District Social Welfare Officer,
District Social Welfare Office,
Dindigul District.

3.K.Santhiya

... Respondents



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PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the entire records pertaining to the case in Spl.S.C.No.101 of 2023 on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Dindigul and quash the same as against the petitioners.

For Petitioners : Mr.R.Anand

For R1 & R2 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

For R3 : Mr.N.Bala Subramanian

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the entire records pertaining to the case in Spl.S.C.No.101 of 2023 on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Dindigul and quash the same as against the petitioners.

2. The case of the prosecution is that the first petitioner had married the minor girl/third respondent. Hence, the complaint.



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3. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.517 of 2021 and after investigation and filing of the final report, the same was taken cognizance in Spl.S.C.No.101 of 2023 on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Dindigul, for the offences under Section 9, 5(1), 6, 17 of POCSO Act and Section 11 of Prohibition of Child Marriage Act 2006.

4. In the case on hand, the marriage between the first petitioner and the victim girl was solemnized on 20.08.2023 and they were blessed with a male child and that the marriage came to be registered on 19.08.2024 and they have also produced the copy of the marriage certificate issued by the Registration Department.

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



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6. A Joint Memo of Compromise, 15.06.2024 has been filed before this Court which have been signed by the petitioners and the third respondent and also by their respective counsels. The petitioners and the third respondent are present before this Court and and they were identified by Mr.G.Ganesan, Sub-Inspector of Police, Sempatti Police Station, Dindigul, 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.

7. 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 Section 9, 5(1), 6, 17 of POCSO Act and Section 11 of Prohibition of Child Marriage Act 2006.

8. 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.



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9. 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.101 of 2023 as against the petitioners pending on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Dindigul, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.101 of 2023 on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Dindigul, is quashed as against the petitioners and the joint compromise memo, dated 15.06.2024 shall form part and parcel of this order.

26.09.2024

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



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K.MURALI SHANKAR,J.

das

To

- 1.The Special Judge, Special Court for Exclusive Trial of POCSO Act Cases, Dindigul.
2. The Inspector of Police,
Sempatti Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.9192 of 2024

Dated: 26.09.2024