



Crl.O.P.(MD)No.9748 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.9748 of 2024
and
Crl.M.P.(MD)No.6662 of 2024

K.Manoj

... Petitioner

Vs.

1.State, Rep. by,
The Inspector of Police,
All Women Police Station,
Ottanchathram, Dindigul.
(Crime No.23 of 2022)

2.Muniyammal

3.XXXX

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records relating to the case in Spl.S.C.No.285 of 2023, on the file of the Mahila Court, Dindigul and quash the same.

For Petitioner : Mr.Gopalakrishna Lakshmana Raju
Senior Counsel
for Mr.S.G.L.Rishwanth

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)



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For R2 and R3 : Mr.A.Arputharaj

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ORDER

The Criminal Original Petition has been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash the charge sheet in Spl.S.C.No.285 of 2023, pending on the file of the Mahila Court, Dindigul.

2. The case of the prosecution is that the petitioner and the victim girl had been in a relationship for the past five years. The accused and the victim would often visit the petitioner's house on holidays. Subsequently, on 14.08.2022 and on several other occasions, the petitioner and the victim girl engaged in sexual intercourse. The de-facto complainant (mother of the victim) had warned them and urged them to end their relationship. However, the petitioner and the victim girl continued their relationship, which led to the victim girl becoming pregnant, though her pregnancy was later aborted on 16.11.2022. Subsequently, the de-facto complainant preferred a complaint with the respondent Police, and it was registered in Crime No.23 of 2023 for the offences under Section 366(A) of the I.P.C. and Sections 5(l), 5(n) and 6



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of the Protection of Children from Sexual Offences Act, 2012 and on completion of investigation, the respondent Police filed the charge sheet against the petitioner for the offence under Section 366(A) of the I.P.C. and Sections 5(l), 5(n), 6, 5(j)(ii) and 5(q) of the Protection of Children from Sexual Offences Act, 2012.

3. When the matter is taken up for hearing today, the learned Senior Counsel appearing for the petitioner submits that the victim girl has now attained majority and married the petitioner, and the petitioner and the victim girl are living together as husband and wife.

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 petitioner and the victim girl and also by their respective counsels. The petitioner and the victim girl are present before this Court and and they were identified by Ms.K.Amutha, Special Sub-Inspector of Police, Oddanchatram All Women Police Station,



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Dindigul District, 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 petitioner, being in his adolescent years and unaware of the seriousness and consequences of his actions, had a relationship with the victim girl. Now, the victim girl has reached the age of majority and is living with the petitioner. He is taking care of her, and they are living together as husband and wife. The parties have also reached a compromise. Where the parties have compromised the matter, the High Court has to power to quash the case.

7. The legal position expressed by the Hon'ble Apex Court in the case of *K.Dhandapani vs. The State by the Inspector of Police* reported in *2022 LiveLaw (SC) 477*, were taken into consideration. The relevant portion of the said judgment reads as under:-

“Protection of Child from Sexual Offences Act, 2012; Section 5, 6 – Conviction of Protection of Child set aside after noticing that he married the victim girl and has two children- Court cannot shut its eyes to the ground reality and disturb the happy life of the appellant and the prosecutrix. We have been informed about the customs in



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Tamil Nadu of the marriage of a girl with the maternal uncle”.

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8. In the light of the guidelines issued in the above said judgment of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Spl.S.C.No.285 of 2023 as against the petitioner pending before the Mahila Court, 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.285 of 2023 as against the petitioner pending before the Mahila Court, Dindigul, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

18.12.2024

NCC : Yes / No
Index : Yes / No
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To

1.The Judge,
Mahila Court,
Dindigul.



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- 2.The Inspector of Police,
All Women Police Station,
Ottanchathram, Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
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