



*CrI.O.P.(MD)No.9901 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

CrI.O.P.(MD)No.9901 of 2024

and

CrI.M.P(MD)No.6739 and 6740 of 2024

1.Abdul Majith @ Syed Abhudhagir

2.Jabhar Sathik

3.Sarammal

4.Bhadhur Nisha

... Petitioners/A1 to A4

Vs.

1.State represented by  
The Inspector of Police,  
Al Women Police Station,  
Palani, Dindigul District.  
(Crime No.21 of 2023)

2.Sugirtha Juli ,  
Legal cum Probation Officer,  
District Child Protection Unit,  
Dindigul.

3.Safrin

... Respondents



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**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the charge sheet filed in Spl.S.C.No.37 of 2024 on the file of the Special Court fo Exclusive Trial of Cases under POCSO Act, Dindigul and quash the same in so far as the petitioner is concerned.

For Petitioners : Mr.T.Lenin Kumar

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

For R2 : Mr.D.Venkatesh

### **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 charge sheet filed in Spl.S.C.No.37 of 2024 on the file of the Special Court fo Exclusive Trial of Cases under POCSO Act, Dindigul and quash the same in so far as the petitioner is concerned.

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.21 of 2023 and after investigation and filing of the final report, the same was taken cognizance in Spl.S.C.No.37 of 2024 on the file of the Special Court of Exclusive Trial of Cases under POCSO Act, Dindigul, for the offences under Section 9 of Prohibition of Child Marriage Act 2006, Sections 5(l), 5(j)(ii) and 6 of POCSO Act 2012.

4. The learned counsel for the petitioners would submit that the first petitioner and the victim girl got married and the marriage came to be registered on 28.08.2024 and they are having four months baby. He would further submit that the victim was aged more than 17 years at the time of alleged occurrence.

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, 16.07.2024 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 Ms.M.Amutha, WSSI, All Women Police Station, Palani, 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 of Prohibition of Child Marriage Act 2006, Sections 5(l), 5(j)(ii) and 6 of POCSO Act 2012.

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.37 of 2024 as against the petitioners pending on the file of the Special Court of Exclusive Trial of Cases under POCSO Act, 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.37 of 2024 on the file of the Special Court of Exclusive Trial of Cases under POCSO Act, Dindigul, is quashed as against the petitioners and the joint compromise memo, dated 16.07.2024 shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

**04.09.2024**

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



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**K.MURALI SHANKAR,J.**

das

To

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

Order made in  
Crl.O.P.(MD)No.9901 of 2024

Dated: 04.09.2024