



Crl.O.P.(MD)No.13017 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13017 of 2024

Christopher

... Petitioner

Vs.

1.The Inspector of Police,
Uthumalai Police Station,
Uthumalai,
Tenkasi District.
Crime No.3 of 2023

2.XXXXXXX

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the proceedings in Spl.C.C.No.100 of 2023 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

For Petitioner : Mr.A.Saravanan

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

For R2 : Mr.P.Chandran



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 BNSS seeking orders to call for the records pertaining to the proceedings in Spl.C.C.No.100 of 2023 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and quash the same as against the petitioner.

2.The case of the prosecution is that the petitioner and the defacto complainant, who is minor, are close relatives, that they loved each other and that he had physical relationship with her and the second respondent has lodged a complaint.

3.The learned counsel appearing for the petitioner 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.3 of 2023 and after investigation and filing of the final report, the same was taken cognizance in Spl.C.C.No.100 of 2023 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, for the



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offences under Sections 366, 376 IPC and Sections 6, 5(I), 5(n) of POCSO Act against the petitioner.

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.The learned counsel appearing for the petitioner as well as the learned counsel appearing for the second respondent would submit that marriage between the petitioner and the defacto complainant was solemnized on 07.03.2024 and their marriage was also registered on 14.8.2024 and they have also produced a copy of the marriage registration certificate.

6.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent are present before this Court and and they were identified by the Special Sub Inspector of Police, Uthumalai Police Station, Tenkasi



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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.

7.In the instant case, the dispute is of personal in nature and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 366, 376 IPC and Sections 6, 5(I), 5(n) of POCSO Act.

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.

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.C.C.No.100 of 2023 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, even though, the offences involved are not compoundable in nature.



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10. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.C.C.No.100 of 2023 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, is quashed and the joint compromise memo shall form part and parcel of this order.

30.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

1. The Sessions Judge,
Special Court for POCSO Act Cases,
Tirunelveli.
2. The Inspector of Police,
Uthumalai Police Station,
Uthumalai,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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