



Crl.O.P.(MD)No.14151 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14151 of 2024
and Crl.M.P.(MD)No.8759 of 2024

1.M.Mukesh

2.M.Janagi

3.V.Dhivya

... Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.

2.Sivagami

3.XXXXXXXXXX

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records relating with impugned charge sheet in Spl.S.C.No.69 of 2024 on the file of the Special Court for Exclusive Trail of Cases under POCSO Act, Dindigul, Dindigul District and quash the same as against the petitioners.

For Petitioners : Mr.S.Vellaichamy



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

For R2 & R3 : Mr.S.Saravana Kumar

ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in Spl.S.C.No.69 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, Dindigul District and quash the same as against the petitioner.

2.The case of the prosecution is that the third respondent, who is minor, is the daughter of the second respondent, that the first petitioner and the third respondent loved each other and had physical relationship, due to which, the third respondent got pregnant and therefore, there arose a quarrel between the parties, in which the accused assaulted the second respondent and hence, the second respondent has lodged a 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.6 of 2024 and after investigation and filing of the final report, the same was taken cognizance in Spl.S.C.No.69 of 2024 on the file of the Special Court for Exclusive Trail of Cases under POCSO Act, Dindigul, Dindigul District, for the offences under Sections 323, 506(i), 450 & 376(2)(n) IPC and Sections 5(l), 5(j)(ii), 6 of the Protection of Child from Sexual Offences Act, 2012 against the petitioners.

4.The learned counsel appearing for the petitioners as well as the learned counsel appearing for the private respondents would submit that A1 married the victim girl and they were blessed with a female child on 06.08.2024, that since the first petitioner is aged about only 19 years, the Sub Registrar has refused to register the marriage and that the mother of the first petitioner and the mother of the third respondent have filed affidavit undertaking that after the first petitioner attaining the eligible age of 21 years, they will take steps to register the marriage.



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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.

6.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent are present before this Court and and they were identified by Mrs.Susila, Special Sub Inspector of Police, All Women Police Station, Nilakottai, 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 power to quash the complaint for the offences under Sections 323, 506(i), 450 & 376)(2)(n) IPC and Sections 5(l), 5(j) (ii), 6 of the Protection of Child from Sexual Offences 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



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(2012)10 SCC 303 and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarath**) 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.S.C.No.69 of 2024, on the file of the Special Court for Exclusive Trail of Cases under POCSO Act, Dindigul, Dindigul District, 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.69 of 2024, on the file of the Special Court for Exclusive Trail of Cases under POCSO Act, Dindigul, Dindigul District, is quashed and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

28.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

gns

To

- 1.The Special Court for Exclusive Trail of Cases under POCSO Act,
Dindigul, Dindigul District.
- 2.The Inspector of Police,
All Women Police Station,
Nilakottai, Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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