



Crl.O.P.(MD)No.13947 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.13947 of 2024

and

Crl.M.P.(MD)No.8648 of 2024

Maruthapandi

... Petitioner

Vs.

1.State Rep. by,
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul.
(Cr.No.292/2022)

2.Jegan
3.XXX

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in S.C.No.230 of 2023, on the file of the Mahila Court, Dindigul and quash the same in respect of this petitioner / accused.

For Petitioner : Mr.S.G.L.Rishwanth

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl., Side)

For R3 : Mr.A.Arputharaj



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in S.C.No.230 of 2023, on the file of the Mahila Court, Dindigul and quash the same.

2.The case of the prosecution is that the petitioner and the victim girl were lovers for the past two years. The victim girl / 3rd respondent was a first year student of B.A.(Co-operation). On 23.11.2022 at about 8.30 a.m., both of them eloped and ran away to Alanganallur, where in a temple, they got married. On knowing about the elopement, the defacto complainant preferred a complaint against the petitioner and four others.

3.The learned counsel appearing for the petitioner would submit that the 2nd respondent lodged a complaint before the 1st respondent and F.I.R. Was registered in Crime No.292 of 2022. After investigation, final report has been filed and the same is taken cognizance in S.C.No.230 of 2023 on the file of the Mahila Court, Dindigul for the offences under Sections 363, 366(A) IPC r/w



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5(1), 6 of POCSO Act, 9 of Prohibition of Child Marriage Act against the petitioner.

4.He would further submit that the victim girl / 3rd respondent was minor at the time of the alleged occurrence and now, she attained majority and gave birth to a male child on 29.10.2024 at Pollachi Government Hospital in RCH ID No.133010963047 and the name of the baby's mother and father is recorded as S.Bhoomika and P.Maruthapandi. The birth has been recorded and forwarded to the municipal authorities, who are yet to provide the birth certificate. The petitioner and the victim along with the new born baby appeared before this Court, affirmed and confirmed these facts. He has also produced marriage certificate of the petitioner and the victim girl before this Court.

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, for the reason that the victim girl gave birth to a male child and the petitioner and the victim girl are living together. The victim now attained majority. In this regard, the 3rd respondent / victim girl has also filed an affidavit. However, the second respondent is not willing to enter into the compromise. Therefore, the



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joint compromise memo has been filed by the petitioner and the 3rd respondent / victim girl.

6.A Joint Memo of Compromise filed before this Court signed by the petitioner and the 3rd respondent and their respective counsels. The petitioner and the 3rd respondent are present before this Court and they are identified by Mr.K.Anbalagan, Pattiveeranpatti Police Station, Dindigul District as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

7.In the instant case, the dispute is of personal in nature and when the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 363, 366(A) IPC r/w 5(1), 6 of POCSO Act, 9 of Prohibition of Child Marriage Act.

8.The legal position expressed by the Hon'ble Apex Court in the case of ***K.Dhandapani Vs. State by the Inspector of Police*** reported in ***2022 SCC Online SC 1056*** was 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 S.C.No.230 of 2023 as against the petitioner pending before the Mahila Court, Dindigul, even though the offences involved are not compoundable in nature.

10.Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.230 of 2023, on the file of 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.

29.11.2024

NCC : Yes / No
Index : Yes / No

Yuva

To

- 1.The Mahila Court,
Dindigul.
- 2.The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul.



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M.NIRMAL KUMAR, J.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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Dated: 29.11.2024