



Crl.O.P.(MD)No.16504 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16504 of 2024

Parthasarathi

... Petitioner

Vs.

1.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.271 of 2022)

2.Keerthika

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in connection with the impugned charge sheet in Spl.S.C.No.206 of 2023 pending on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, Dindigul District and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.S.Sarvagan Prabhu

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

For R2 : Mr.E.Jeya Kumar



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ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in Spl.S.C.No.206 of 2023 on the file of the learned Sessions Judge, 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 petitioner and the defacto complainant, who is minor, have loved each other, that the petitioner married her and they had physical relationship, due to which, the defacto complainant got pregnant and delivered a female child and hence, the 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.271 of 2022 and after investigation and filing of the final report, the same was taken cognizance in Spl.S.C.No.206 of 2023 on the file of the



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learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, Dindigul District, for the offences under Section 9 of the Prohibition of Child marriage Act, 2006 and Sections 5(l), 5(n), 5(j)(ii), 6 of the Protection of Child from Sexual Offences Act, 2012 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. The petitioner married the defacto complainant and they were blessed with female child and their marriage was also registered on 03.09.2024.

5.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 Mr.G.Thailayee, Special Sub Inspector of Police, Dindigul Taluk Police Station, 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.



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6. In the instant case, it is a personal dispute 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 9 of the Prohibition of Child marriage Act, 2006 and Sections 5(l), 5(n), 5(j)(ii), 6 of the Protection of Child from Sexual Offences Act, 2012.

7. 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 Gujraath*** reported in ***(2017)9 SCC 641*** were taken into consideration.

8. 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.206 of 2023, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, Dindigul District, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.206 of 2023, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, Dindigul District, is quashed and the joint compromise memo shall form part and parcel of this order.

21.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Sessions Judge, Special Court
for Exclusive Trial of Cases under POCSO Act, Dindigul,
Dindigul District
2. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul 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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