



Crl.O.P.(MD)No.20370 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20370 of 2024

1. Thilak

2. Manikandan

3. Malar

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
Crime No.16/2024..

2. Parameswari

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case in Crime no.16/2024 dt.19.10.2022 on the file of the 1st respondent police and to quash the same in so far as the Petitioner/Accused.

For Petitioner : Mr. Thenrajan.K



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Crl.O.P.(MD)No.20370 of 2024

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

For R2 : Mr.V.Sakthi

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.16 of 2024 on the file of the first respondent Police.

2.The case of the prosecution is that the first petitioner had physical relationship with the minor victim/2' respondent and he forced her to have physical relationship with the third parties, due to which, she got pregnant. When the victim informed the same to the first petitioner, he asked her to wait till she attains majority. Thereafter, the victim eloped with the 1st petitioner. On 16.07.'2023, he got married the victim girl. She delivered a male baby on 25.07.2023. After that the petitioners tortured and harassed the 2nd respondent. Hence this present case.

3.When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.16 of 2024, for the



Crl.O.P.(MD)No.20370 of 2024

offences under Sections 5(i), 5(j)(ii), 6 and 506(i) of POCSO Act against the petitioners. Now the first petitioner and the 2nd respondent living happily as husband and wife.

4.The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5.A Joint Memo of Compromise, has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Ms.S.Geetharani, WSSI of Police, All Women Police Station, Uthamapalayam, Theni 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.

6.In the instant case, the first petitioner and the 2nd respondent married and living happily as husband and wife along with their child. In the birth certificate of the child, the first petitioner name is shown as



Crl.O.P.(MD)No.20370 of 2024

Father and the 2nd respondent name is shown as Mother. Now the parties had compromised their dispute. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 5(i), 5(j)(ii), 6 and 506(i) of POCSO Act.

7. The Hon'ble Apex Court in the case of ***K.Dhandapani Vs. The State by the Inspector of Police*** reported in ***2022 SCC Online SC 1056***, has held as follows:

“In the peculiar facts and circumstances of this case, we are of the considered view that the conviction and sentence of the appellant who is maternal uncle of the prosecutrix deserves to be set aside in view of the subsequent events that have been brought to the notice of this Court. This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix. We have been informed about the custom in Tamilnadu of the marriage of a girl with the maternal uncle”.



Crl.O.P.(MD)No.20370 of 2024

WEB COPY

8.Further, the legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** 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 Crime No.16 of 2024, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.16 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order.

25.11.2024

NCC : Yes / No

Index : Yes / No

PNM



Crl.O.P.(MD)No.20370 of 2024

WEB COPY

To

1.The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
Crime No.16/2024..

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



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Crl.O.P.(MD)No.20370 of 2024

M.NIRMAL KUMAR, J.

PNM

Order in
Crl.O.P.(MD)No.20370 of 2024

25.11.2024