



Crl.O.P.(MD)No.18752 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18752 of 2024
and Crl.M.P(MD).Nos.11629 and 11631 of 2024

Sanjith

... Petitioner

Vs.

1.The State of Tamil nadu,
Through the Inspector of Police,
All Women Police Station,
Thilagarthidal Police Station,
Madurai South.
Crime NO.11 of 2023

2.Megarajpandian

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to Spl.S.C.No.93 of 2023 pending on the file of Special Court or Exclusive Trial of Cases under POCSO Act, Madurai for offences punishable under Section 341 of IPC and Sections 7 and 8 of POCSO Act and quash the same.

For Petitioner	: Mr.D.Malaichamy
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl. Side)
For R2	: Mr.R.Rajamohan



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.93 of 2023 pending on the file of Special Court or Exclusive Trial of Cases under POCSO Act, Madurai, for offences punishable under Section 341 of IPC and Sections 7 and 8 of POCSO Act.

2. The case of the prosecution is that when the petitioner along with mother walking together, the petitioner, who was riding a motorcycle came there and try to abuse her. Hence, the complaint.

3. The learned counsel appearing for the petitioner as well as the learned counsel appearing for the second respondent submitted that now, the petitioner and the second respondent/father of victim have settled the dispute between themselves amicably and the second respondent/father of victim is not willing to proceed further with the criminal case.

4. Today, when the matter was taken up for hearing a joint Memo of Compromise filed before this Court signed by the petitioner and the



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second respondent and their respective counsels. The petitioner and the second respondent present before this Court, identified by Ms.S.Shyamaladevi, AWPS (South), Thilagar Thidal, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

5. The relevant portion of the affidavit reads as follows:

“(2) I submit that I am the father of the victim girl. I have taken into consideration of the fact that both the parties are belonging to the same locality and the petitioner is a student who is undergoing under graduation course, I agreed to compromise the matter in the presence of some elders and it is hereby agreed on own volition that the case against the petitioner referred in the above Crl.O.P.may be quashed on the basis of compromise. ...”.

6. The case has been registered for offences under Sections 341 of IPC and Sections 7 and 8 of POCSO Act. It is settled law that the High



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Court has inherent power under Section 482 of the Code of Criminal Procedure to quash the criminal proceedings even for the offences which are not compoundable under Section 320 of the Code of Criminal Procedure, where the parties have settled their dispute between themselves. However, while quashing the criminal proceedings, based on the settlement arrived at between the parties, the High Court should act with caution and the power should be exercised sparingly only in order to secure the ends of justice and also to prevent abuse of process of any Court.

7. 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.

8. Keeping the above principles in mind, let us now consider the instant case as to whether it is a fit case to quash the criminal proceedings based on the settlement arrived at between the parties.



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9. In the case at hand, though the petitioner is charged with for the offences punishable under Sections 341 of IPC and Sections 7 and 8 of POCSO Act, now, the petitioner and the second respondent/father of victim have amicably settled their dispute between themselves . The second respondent has also filed an affidavit stating that he is not wiling to proceed further against the petitioner. In the above circumstances, continuity of the criminal proceedings would only cause oppression and prejudice to the parties, hence, in order to secure the ends of justice, this Court is inclined to quash the criminal proceedings.

10. Accordingly, this Criminal Original Petition is **allowed** and the criminal proceedings initiated against the petitioner in Spl.S.C. No.93 of 2023 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, is quashed and the terms of joint compromise memo and affidavit filed by the second respondent shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
Rmk

27.11.2024



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



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M.NIRMAL KUMAR, J.

Rmk

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