



Crl.O.P.(MD)No.19873 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19873 of 2024

and

CRL.M.P.(MD)No.12251 of 2024

Sangar

... Petitioner

Vs.

1. The Inspector of Police
Shanarpatti Police Station,
Shanarpatti, Dindigul.

2. XXXX

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the further proceedings in Spl.S.C.No. 364 of 2023 for the offence under Sections 366 of IPC, 5(1), 5(n), 5(j)(ii) & 6 of POCSO Act on the file of the learned Sessions Judge for Exclusive Trial of Cases under POCSO Act, Dindigul District.



Crl.O.P.(MD)No.19873 of 2024

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For Petitioner : Mr.V.S.Ariharasudhan
For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
For R2 : Mr.K.Pon Aravind

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Spl.S.C. No.364 of 2023 on the file of the learned Sessions Judge for Exclusive Trial of Cases under POCSO Act, Dindigul District.

2. The case of the prosecution is that the petitioner and victim were in love affair. On 01.01.2023, the petitioner had forcible sexual intercourse with the victim girl and subsequent to that, she got pregnant. Hence, the case has been registered against the petitioner.

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/victim have settled the dispute



Crl.O.P.(MD)No.19873 of 2024

between themselves amicably and the second respondent/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 second respondent and their respective counsels. The petitioner and the second respondent present before this Court, identified by Mr.K.Murugan, SSI of Police, Shanarpatti Police Station, Dindigul, as well as by the learned counsel 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 second respondent/victim had stated that both the petitioner and the second respondent got married on 30.08.2024 and the same was registered and a girl child was born to them and again she is nine months pregnant now. They are living happily in a separate house and she had intended to withdraw the complaint against the petitioner. She has also filed an affidavit. The relevant portion of the affidavit reads as



Crl.O.P.(MD)No.19873 of 2024

follows:
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“4. I respectfully submit that Over the long run of time, my parents considered the initiation of the petitioner and accepted the marriage proposal of the petitioner. On 30.08.2024, the marriage was solemnized between the petitioner and me with the blessings of both the family members. The marriage of the petitioner and me was registered at The Marriage Registrar Office, Shanarpatti. Moreover as the result of the wedlock of the petitioner and I, we have been blessed with a girl child (1 year old). I am pregnant (8 months) now and enjoying their marriage life happily. In the present case, the offences are purely individual/personal in nature. It involves the future of two young persons who are still in their early twenties. So, I am not willing to proceed further against my husband before the 1st respondent police.....”

6. The case has been registered for offences under Sections 366 of IPC and Sections 5(l), 5(n), 59(j)(ii) and 6 of POCSO Act. It is settled law that the High 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



Crl.O.P.(MD)No.19873 of 2024

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. Further, 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



Crl.O.P.(MD)No.19873 of 2024

WEB COPY

maternal uncle”.

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.

9. In the case at hand, though the petitioner is charged with for the offences punishable under Section 366 of IPC and Sections 5(l), 5(n), 59(j)(ii) and 6 of POCSO Act, now, the petitioner and the second respondent/victim have amicably settled their dispute between themselves. The second respondent/victim has also filed an affidavit stating that she married the petitioner. In view of the compromise between the parties, the possibility of conviction is also remote and bleak. 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



Crl.O.P.(MD)No.19873 of 2024

criminal proceedings initiated against the petitioner in Spl.S.C.No.364 of 2023 on the file of the Sessions Court for Exclusive Trial of Cases under POCSO Act, Dindigul District, is quashed and the terms of joint compromise memo and affidavit filed by the third respondent shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

18.11.2024

NCC : Yes / No
Index : Yes / No
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Crl.O.P.(MD)No.19873 of 2024

M.NIRMAL KUMAR, J.

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To

1. The Inspector of Police
Shanarpatti Police Station,
Shanarpatti, Dindigul.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.19873 of 2024

18.11.2024