



Crl.O.P.(MD)No.22505 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22505 of 2024

Muruganantham

... Petitioner

Vs

1. State of Tamilnadu,
Rep. by the Inspector of Police,
Karaikudi All Women Police Station,
Sivagangai District.
Crime No.20 of 2024.

2. Banumathi,

3. Xxxxxx

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the FIR in Crime No.20 of 2024 on the file of the Respondent No.1 and quash the same as illegal.

For Petitioner : Mr. Dhilipan Pandian R L

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

M/s. S.Srikanth (R2 , R3)



Crl.O.P.(MD)No.22505 of 2024

ORDER

WEB COPY

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.20 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that the petitioner and the second respondent are husband and wife. On 14.09.2024 at about 02.00p.m., the petitioner in a drunken mood misbehaved with his minor daughter/third respondent. The petitioner also threatened the victim girl with dire consequences. Hence this present case.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner 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.20 of 2024, for the offences under Section 7 r/w 8 of POCSO Act, 2012 against the petitioner.



Crl.O.P.(MD)No.22505 of 2024

WEB COPY

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. Since the petitioner was in drunken mood, misbehaved with the victim girl. The second respondent has stated that the petitioner had committed the mistake due to intoxication and now he realised his mistake and living happily with her and their child under one roof. The petitioner is the only bread-winner of her family.

5. A Joint Memo of Compromise, dated 18.12.2024, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Ms.S.Mariyammal, WSSI of Police, Karaikudi All Women Police Station, Sivagangai 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.



Crl.O.P.(MD)No.22505 of 2024

WEB COPY

6. In the instant case, 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 Section 7 r/w 8 of POCSO Act, 2012.

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. 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.20 of 2024, pending before the first respondent Police, even though, the offence involved is not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.20 of 2024, on the



Crl.O.P.(MD)No.22505 of 2024

WEB COPY

file of the first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order.

20.12.2024

NCC : Yes / No
Index : Yes / No
PNM

To

1.The Inspector of Police,
Karaikudi All Women Police Station,
Sivagangai District.
Crime No.20 of 2024.

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



WEB COPY



Crl.O.P.(MD)No.22505 of 2024

M.NIRMAL KUMAR, J.

PNM

Order in
Crl.O.P.(MD)No.22505 of 2024

20.12.2024