



Crl.O.P.No. 4285 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 4285 of 2025

G.Gunaseelan
S/o.Gunasekaran,
No.26, Selvaraj Chettyar Street,
Vaithikuppam,
Puducherry-605 001.

.... Petitioner

Vs

1. The Union Territory of Puducherry
Rep By, The Station House Officer (SHO)
Muthialpet Police Station,
Muthialpet,
Puducherry.
Cr.No.28/20255.

2. XXXX
D/o.Mahendrakumar,
W/o.Gunaseelan,
No.26, Selvaraj Chettyar Street,
Vaithikuppan,
Puducherry-605 001.

.... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to impugned FIR registered in Crime No.28 of 2025 dated 08.02.2025 on the file 1st respondent police namely SHO, Muthialpet police station, Muthialpet, Puducherry and quash the same.



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For Petitioner : Mr.Prakash Adiapadam
For R1 : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

ORDER

This petition has been filed to quash the FIR in Crime No.28 of 2025 dated 08.02.2025 on the file 1st respondent police registered for the offence under Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, as against the petitioner.

2. Pending this petition, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Memo of Compromise has been filed before this Court and it is stated that the petitioner married the second respondent and living with her in very happiest manner. All the parties are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card are made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

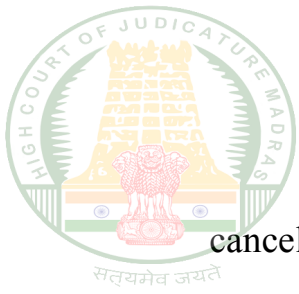


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4. It is seen that the victim, viz., the second respondent, has now attained the age of majority. Though the petitioner and the victim were living together happily and she is now pregnant with their child, the petitioner has not yet reached the age of majority and as such, they have been unable to register their marriage.

5. Under such circumstances, no useful purpose will be served in keeping the proceeding pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the FIR in Crime No.28 of 2025 pending on the file of the first respondent.

6. In view of the above, the FIR in Crime No.28 of 2025 pending on the file of the first respondent is hereby quashed as against the petitioner, on condition that the petitioner shall register his marriage with the victim before the concerned authority, after attaining the age of 21 years and produce the marriage certificate before the first respondent. Failing which, the order passed by this Court shall stand automatically



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cancelled and the first respondent is directed to proceed with the investigation as against the petitioner. The terms of Joint Memo of Compromise shall form part and parcel of this order.

7. Accordingly, the Criminal Original Petition stands allowed.

17.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The Station House Officer (SHO)
Muthialpet Police Station,
Muthialpet,
Puducherry.

3. The Public Prosecutor,
Puducherry.



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G.K.ILANTHIRAIYAN, J.

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