



CrI.O.P.No. 5046 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM:

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

CrI.O.P.No. 5046 of 2025

K.Vijay

.... Petitioner

Vs

1. The State Rep By,
The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai.
Cr.No.145/2024.

2.Suganthi

3.Priyadharshini

.... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Cr.No.145 of 2024 on the file of the Inspector of Police, Kadaladi Police Station, Tiruvannamalai and quash the same.

For Petitioner : Mr.M.Mubeen

For R1 : Mr.A.Gopinath
Government Advocate (CrI. Side)

ORDER



CrI.O.P.No. 5046 of 2025

This petition has been filed to quash the FIR in Crime No.145 of 2024 pending on the file of the first respondent, registered for the offences under Sections 363, 366, 376 of IPC and Section 7 r/w 8 of POCSO Act and 3(a) r/w 4 of POCSO Act.

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 by the petitioner and the third respondent before this Court stating that now the third respondent married the petitioner and living with him in very happiest manner. All the parties are present and identified by their respective counsel and the Police. In order to identify the third respondent, she also produced the copy of the Aadhaar Card is 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.



Crl.O.P.No. 5046 of 2025

WEB COPY

4. It is seen that the victim, viz., the third respondent, has now attained majority. Though the petitioner and the victim were living together happily, they have failed to register their marriage before the registering authority so far.

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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.145 of 2024 pending on the file of the first respondent.

6. In view of the above, the FIR in Crime No.145 of 2024 pending on the file of the first respondent is hereby quashed as against the petitioner subject to the condition that the petitioner shall register his marriage with the victim/third respondent before the concerned authority within a period of four weeks from today and produces the marriage



Crl.O.P.No. 5046 of 2025

certificate before the first respondent. Failing which, the order passed by

this Court shall stand automatically cancelled. The Trial Court is directed to proceed with the trial as against the petitioner. The terms of Joint Memo of Compromise shall form part and parcel of this Order. The petitioner shall pay a sum of Rs.10,000/-, (Rupees Ten Thousand only) as costs, to the Chief Justice Relief Fund, Tamil Nadu, within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

7. Accordingly, the Criminal Original Petition stands allowed.

24.02.2025

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

To

1. The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai.

2. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.O.P.No. 5046 of 2025

G.K.ILANTHIRAIYAN, J.
Lpp

Crl.O.P.No. 5046 of 2025

24.02.2025