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Crl.O.P.No. 9355 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28-03-2025**

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP NO. 9355 of 2025

NAVEENKUMAR

S/o.Venkatesh, No.122, 4th Street,
Kalyanpuram, Elephantgate, Chennai-600 001.

Petitioner

Vs

1.The State Rep By, The Inspector Of Police,
W-10, AWPS Flower Bazaar Police Station,
Chennai.

2. Vani

Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records the final report in Spl.S.C.No.138 of 2023 on the file of the Sessions Judge (Magalir Neethimandram) at Chennai in Crime No.8 of 2022 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.A.Elumalai

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

ORDER

This petition has been filed to quash the proceedings in
Spl.S.C.No. 138 of 2023 on the file of Sessions Judge (Magalir



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Neethimandram) at Chennai in Crime No.8 of 2022 on the file of the first

respondent police.

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

3. An affidavit has been filed by the second respondent before this Court stating that now she 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 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.

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



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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 proceeding in Spl.S.C.No. 138 of 2023 pending on the file of the Sessions Judge (Magalir Neethimandram) at Chennai.

6. In view of the above, the proceedings in Spl.S.C.No. 138 of 2023 pending on the file of the Sessions Judge (Magalir Neethimandram) at Chennai is hereby quashed as against the petitioner on condition that the petitioner shall register his marriage with the victim before the concerned authority within a period of four weeks from today and produces the marriage 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.



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7. Accordingly, the Criminal Original Petition stands allowed.

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

To

1. The Sessions Judge,
Magalir Neethimandram,
Chennai.

2. The Inspector Of Police,
W-10, AWPS Flower Bazaar Police Station,
Chennai.

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



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G.K.ILANTHIRAIYAN, J.

drl

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