



Crl.O.P.No.7533 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM:

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

Crl.O.P.No.7533 of 2025

Raj Kumar

... Petitioner

Vs.

1. The State Rep by
The Inspector of Police,
Koyambedu All Women Police Station,
Chennai.

Jayavel (Late)

2. Aarthi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to Spl.S.C.No.43 of 2024 and quash the pending trial on the file of the learned Sessions Judge, Maglir Neethimandram, Allikulam, Chennai for an offence under Section 366 of IPC, Sections 5(j)(ii)(l) r/w 6 of POCSO Act, and Section 9 of the Prohibition of Child Marriage Act, 2006 and quash the same.

For Petitioner : Mr.K.M.Mrithunjayan

For Respondents

For R1 : Mr.A.Gopinath

Government Advocate (Crl.Side)

For R2 : Mr.V.Dinesh



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ORDER

This Criminal Original Petition has been filed to quash the Spl.S.C.No.43 of 2024 on the file of the learned Sessions Judge, Maglir Neethimandram, Allikulam, Chennai, thereby taken cognizance for the offences under Section 366 of IPC, Sections 5(j)(ii)(l) r/w 6 of the Protection of Children from Sexual Offences Act, 2012, and Section 9 of the Prohibition of Child Marriage Act, 2006.

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, which has been signed by the petitioner and the victim girl and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. 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 now the victim girl viz., the second respondent attains majority and she married the petitioner/accused. Their marriage also got registered before the authority concerned. Now both are living happily and therefore, the petitioner need not go for ordeal of trial.

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 Gujraht)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in Spl.S.C.No.43 of 2024 pending trial on the file of the learned Sessions Judge, Maglir Neethimandram, Allikulam, Chennai.

6. In view of the above, the proceedings in Spl.S.C.No.43 of 2024 on the file of the learned Sessions Judge, Maglir Neethimandram, Allikulam, Chennai, is hereby quashed. The terms of Joint Memo of Compromise shall form part and parcel of this Order.



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WEB COPY 7. Accordingly, the Criminal Original Petition stands allowed.

14.03.2025

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

rts



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- To
- 1.The Sessions Judge,
Maglir Neethimandram,
Allikulam, Chennai.
 - 2.The Inspector of Police,
Koyambedu All Women Police Station,
Chennai.
 3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

rts

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