



Crl.O.P.No.11829 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2025

CORAM:

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

Crl.O.P.No.11829 of 2025
and Crl.M.P.No.7932 of 2025

Kaviya

... Petitioner

Vs.

1. The Inspector of Police,
Pallor Police Station,
Odiansalai.
In Cr.No.77 of 2024

2. Madhavan
3. Gopi

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for entire records in connection with the charge sheet in Spl.S.C.No.34 of 2024 pending on the file of the Special Court Exclusive for POCSO, Puducherry and quash the same insofar as the petitioner is concerned.

For Petitioners : Ms.T.Lavanya

For Respondents

For R1 : Mr.K.S.Mohandass
Public Prosecutor (Pondy)



Crl.O.P.No.11829 of 2025

ORDER

WEB COPY

This petition has been filed to quash the proceedings in Spl.S.C.No.34 of 2024 pending on the file of the learned Special Judge, Special Court Exclusive for POCSO, Puducherry, as against the respondents 2 & 3, thereby taken cognizance for the offences under Sections 6 & 21 of the Protection of Child from Sexual Offences Act, 2012, Sections 9 & 10 of the Prohibition of Child Marriage Act.

2. The petitioner is the victim and the second respondent is the first accused. The petitioner is aged about 17 years and she fell in love with the first accused due to which she got pregnant. Hence, the first respondent registered FIR and after completion of investigation, filed final report and the same has been taken cognizance in Spl.S.C.No.34 of 2024 on the file of the learned Special Judge, Special Court Exclusive for POCSO, Puducherry.

3. A Joint Compromise Memo has been filed before this Court, which has been signed by the petitioner and respondents 2 & 3 and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. In order to identify the respective



Crl.O.P.No.11829 of 2025

parties, they have also produced the copies of the Aadhaar Card and it 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.

4. It is seen that now the petitioner viz., victim girl married the first petitioner/accused and gave birth to a child. Now both are living happily and therefore, the respondents 2 & 3 need not go for ordeal of trial. Further the victim girl is aged about 17 years and 11 months and not yet completed 18 years old.

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.34 of 2024 pending trial on the file of the learned Special Judge, Special Court Exclusive for POCSO, Puducherry.



Crl.O.P.No.11829 of 2025

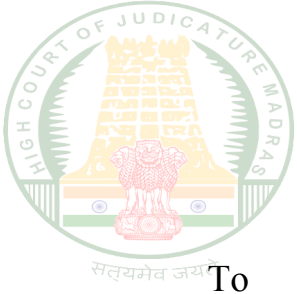
WEB COPY 6. In view of the above, the proceedings in Spl.S.C.No.34 of 2024 on the file of the learned Special Judge, Special Court Exclusive for POCSO, Puducherry, is hereby quashed as against the respondents 2 & 3. The Joint Compromise Memo shall form part and parcel of this Order. The second respondent is directed to register their marriage, immediately after attainment of majority by the victim girl and produce the marriage certificate before the first respondent police within a period of two weeks from the date of attainment of majority, failing which, the order passed by this Court shall stand automatically cancelled.

7. Accordingly, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

28.04.2025

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

rts



Crl.O.P.No.11829 of 2025

To
WEB COPY

1. The Special Judge,
Special Court Exclusive for POCSO,
Puducherry.
2. The Inspector of Police,
Pallor Police Station,
Odiansalai.
3. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.O.P.No.11829 of 2025

G.K.ILANTHIRAIYAN, J.

rts

Crl.O.P.No.11829 of 2025
and Crl.M.P.No.7932 of 2025

28.04.2025