



Crl.O.P.No.9999 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9999 of 2025
and Crl.M.P.No.6616 of 2025

1. XXX
2. XXX
3. XXX

... Petitioners

Vs

1. The Inspector of Police,
Panruti All Women Police Station,
Panruti.
(Crime No.3 of 2022)

2. A.Devid Ashok Kumar
3. D.Anbazagan @ Anbu
4. M.Premkumar @ Prem
5. Bharkathbeevi @ Nisha

... Respondents

PRAYER: Criminal Original Petition is filed under Section 428 of Cr.P.C/ Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the case in Spl.S.C.No.15 of 2024, on the file of the Special Court for Exclusive Trial of Cases, under POCSO Act, Cuddalore and quash the same.

For Petitioners	: Mr.C.Iyyappa Raj
For R1	: Mr.A.Gopinath Government Advocate (Crl.side)
For R2 to R5	: Mr.K.G.Senthilkumar



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ORDER

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This petition has been filed to quash the proceedings in Spl.S.C.No.15 of 2024, on the file of the Special Court for Exclusive Trial of Cases, under POCSO Act, Cuddalore.

2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The case of the prosecution is that the petitioners were pursuing their Diploma Nursing Degree. During the course of study, on 03.12.2021, the fifth respondent had informed the petitioners that they were required to visit a camp to be held in Yercaud. The petitioners and the respondents 2 to 5 herein went to Yercaud. Thereafter, the petitioners were forced to consume alcohol and the respondents 2 to 5 herein misbehaved with the petitioners. Later, the respondents 2 to 5 herein threatened the petitioners not to reveal the same to anyone. Hence, the complaint.

4. On receipt of the complaint, the first respondent registered FIR in Crime No.03 of 2022 for the offences punishable under Sections 7 read with 8 of POCSO Act and Section 25 of JJ act. After completion of investigation, the first respondent filed a final report and the same has been taken cognizance in



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Spl.S.C.No.15 of 2024, on the file of the Special Court for Exclusive Trial of
Cases under POCSO Act, Cuddalore.

5. There are totally three victims. Now, all the three victims came forward with this petition to quash the proceedings, on the ground that on a sudden provocation and stimulating circumstances, they lodged a complaint as against the respondents 2 to 5 herein. Further, considering their family circumstances and the time ahead needing their matrimonial lives and also taking into account of their prospective future, they do not want to prosecute the respondents 2 to 5 herein.

6. All the petitioners appeared before this Court and deposed that they do not want to proceed with the case further as against the respondents 2 to 5 herein and they prayed to quash the proceedings. They further submitted that if they entered into box before the Trial Court, it will tarnish their image and also scared about their future.

7. The only issue arise in this case is that whether this Court can



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quash the entire criminal proceeding involving non-compoundable offences pending against the respondents 2 to 5 herein.

8. The Hon'ble Supreme Court of India, in the case of *Parbathbhai Aahir @ Parbathbhai Vs State of Gujrath*, reported in *2017 9 SCC 641* and in the case of *The State of Madhya Pradesh Vs. Dhruv Gurjar and Another* reported in *(2019) 2 MLJ Crl 10*, issued guidelines to quash the non-compoundable offences. Accordingly the offence against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court. Therefore, this Court must necessarily examine if the crime in question is purely individual in nature or crime against the society with overriding public interest.

9. As deposed by the victims, it involves future of the petitioners who are still in the age of below 20. Therefore, quash of entire proceeding will not affect any overriding public interest. Further, when the victims themselves came forward to withdraw their case as against the respondents 2 to 5 herein, no useful purpose will be served in continuing with the criminal proceedings and keeping these proceedings pending will only swell the mental agony of the



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petitioners herein.

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10. In view of the above, in order to meet the ends of justice, this Court is inclined to quash the impugned proceedings. Accordingly, the entire proceedings in Spl.S.C.No.15 of 2024, on the file of the Special Court for Exclusive Trial of Cases, under POCSO Act, Cuddalore, is hereby quashed.

11. In the result, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition is closed.

02.04.2025

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
mn



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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Special Court for Exclusive Trial of Cases, under POCSO Act,
Cuddalore.
2. The Inspector of Police,
Panruti All Women Police Station,
Panruti.
3. The Public Prosecutor,
High Court, Madras.

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