



Crl.O.P.No.10348 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM:

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

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1.Jahabar Sathik
2.Ahamed Settu
3.Basheer Ahamed

... Petitioners

Vs.

1. The State rep by
The Inspector of Police,
AWPS Tiruvarur Police Station,
Thiruvarur
2.Mahabunisha

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Spl.SC.No.30 of 2023 on the file of the Fast Track Mahila Court at Thiruvarur and quash the same.

For Petitioners : Mr.S.Jayakumar

For Respondents

For R1 : Mr.R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

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This petition has been filed to quash the proceedings in Spl.SC.No.30 of 2023 pending on the file of the Fast Track Mahila Court at Thiruvavarur as against the petitioners, thereby taken cognizance for the offences under Sections 109, 120B, 468, 471 of IPC and under Section 5(j) (ii), 5(I), 6, 17 of POCSO Act, 2012 and under Sections 9, 10 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 compromise memo has been filed by the petitioners and the second respondent/defacto complainant before this Court stating that the first petitioner and the second respondent got married and they are living in very happiest manner. They also stated that they gave birth to a male child. 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 and the same 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.



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4. It is seen that the second respondent has now attained majority and has given birth to a male child. Now they are living happily and therefore, the petitioners 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in Spl.SC.No.30 of 2023 pending trial on the file of the learned Fast Track Mahila Court at Thiruvavarur.

6. In view of the above, the proceedings in Spl.SC.No.30 of 2023 on the file of the learned Fast Track Mahila Court at Thiruvavarur, is hereby quashed as against the petitioners. The joint compromise memo filed by the petitioners and the second respondent/defacto complainant shall form part and parcel of this Order.



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

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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1.The learned Fast Track Mahila Court at Thiruvavarur

2.The Inspector of Police,
AWPS Tiruvarur Police Station,
Thiruvavarur

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



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G.K.ILANTHIRAIYAN, J.
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