



Crl.O.P.No.10223 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM:

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

Crl.O.P.No.10223 of 2025
and Crl.M.P.No.6788 of 2025

Satham Ushen

... Petitioner

Vs.

1. The State rep by
Sub-Inspector of Police,
AWPS – Erode,
Erode District

2.XXXX

3.XXXX

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call the records and quash the proceedings in Special S.C.No.41 of 2019 pending on the file of the learned Sessions Judge, Fast Track Mahila Court, Erode for under Section 366 of IPC and under Section 5(j) (ii), 5(I), 6 of POCSO Act, 2012 and under Section 9 of Child Marriage Act, 2006.

For Petitioner : M/s.DEEPANUDAY

For Respondents

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



Crl.O.P.No.10223 of 2025

ORDER

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This petition has been filed to quash the proceedings in Special S.C.No.41 of 2019 pending on the file of the learned Sessions Judge, Fast Track Mahila Court, Erode as against the petitioner, thereby taken cognizance for the offences under Section 366 of IPC and under Section 5(j) (ii), 5(I), 6 of POCSO Act, 2012 and under Section 9 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. An affidavit has been filed by the third respondent before this Court stating that she married the petitioner and living with him in very happiest manner. She also stated that she gave birth to a male child and a female 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 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.



Crl.O.P.No.10223 of 2025

WEB COPY

4. It is seen that now the victim girl viz., the third respondent already attained majority and she married the petitioner/accused and gave birth to two children. 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in Special S.C.No.41 of 2019 pending trial on the file of the learned Sessions Judge, Fast Track Mahila Court, Erode.

6. In view of the above, the proceedings in Special S.C.No.41 of 2019 on the file of the learned Sessions Judge, Fast Track Mahila Court, Erode, is hereby quashed as against the petitioner. The affidavit filed by the third respondent shall form part and parcel of this Order.



Crl.O.P.No.10223 of 2025

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

Consequently, connected miscellaneous petition is closed.

07.04.2025

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



Crl.O.P.No.10223 of 2025

To
WEB COPY

1.The learned Sessions Judge,
Fast Track Mahila Court, Erode

2. The Sub-Inspector of Police,
AWPS – Erode,
Erode District

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



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Crl.O.P.No.10223 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.10223 of 2025
and Crl.M.P.No.6788 of 2025

07.04.2025