



Crl. O.P. No. 12271 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 23.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 12271 of 2025

S.Murugesan

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Inspector of Police,
All Women Police Station,
Pennagaram, Dharmapuri District.
(Crime No.06 of 2020)

2. Vijayalakshmi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for entire records in proceedings Spl.S.C.No.39 of 2020, Mahila Court (FTC), Dharmapuri and quash the same.

For Petitioner : Mr. M. Senthamizh Selvan

For Respondents : Mr. A. Gopinath,
Government Advocate (Crl. Side) for R1



WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Special S.C.No.39 of 2020 pending on the file of the learned Mahila Court (FTC), Dharmapuri, as against the petitioner, thereby taken cognizance for the offences under Sections 294(b), 323 of IPC and Section 5(j)(ii), 5(1), 6 of Protection of Child from Sexual Offences Act, 2012.

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, stating that the second respondent married the petitioner and living with him in very happiest manner. Both 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 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.



WEB COPY

4. It is seen that now the victim girl viz., the second respondent attains majority and she married the petitioner/accused and gave birth to three children. 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in Special S.C.No.39 of 2020 pending trial on the file of the learned Mahila Court (FTC), Dharmapuri.

6. In view of the above, the proceedings in Spl. S.C.No.39 of 2020 on the file of the learned Mahila Court (FTC), Dharmapuri, is hereby quashed as against the petitioner. The compromise memo filed by the petitioner and the second respondent shall form part and parcel of this Order.



Crl. O.P. No. 12271 of 2025

WEB COPY

7. Accordingly, the Criminal Original Petition stands allowed.

23.04.2025

Index: Yes/No

Neutral Citation: Yes/No

AT

To

1. The Mahila Court (FTC), Dharmapuri.
2. The Inspector of Police,
All Women Police Station,
Pennagaram, Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl. O.P. No. 12271 of 2025

G.K.ILANTHIRAIYAN. J,

AT

Crl. O.P. No. 12271 of 2025

23.04.2025