



Crl.O.P.No.22220 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.22220 of 2025
and Crl.M.P.No.15202 of 2025

Sakthi

.. Petitioner

Versus

1. The State Rep by
Inspector of Police,
AWPS - Erode,
Erode District.

2. The Child Protection Officer,
District Child Protection Office,
Erode District.

3. XXXX

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023 to call the records and quash the proceedings in Spl.S.C.No.23 of 2023, pending on the file of the District Mahila Court, Erode and quash the same.



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For Petitioner : Mr.J.Titus Enock

For Respondents : Dr.C.E.Pratap,
Government Advocate (Crl. Side),
for RR-1 and 2



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ORDER

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This petition is filed to call for the records relating to Spl.S.C.No.23 of 2023 pending on the file of the District Mahila Court, Erode and to quash the same.

2. It can be seen that the case is complaining an offence punishable under Section 366 and 506(i) of the Indian Penal Code and Section 5(1), 5(j)(ii) of the Protection of Child From Sexual Offences Act, 2012. As such, in these kind of offences of serious in nature, this Court will not go by the compromise or the version of the prosecutrix alone. On the other hand, as per the dictum of the Hon'ble Supreme Court of India in ***Gian Singh Vs. State of Punjab***¹, this Court has to consider the overall facts and circumstances of the case and then, consider the issue.

3. The prosecutrix is present before this Court. She states that there was a love affair between her and the petitioner and pursuant thereto, they

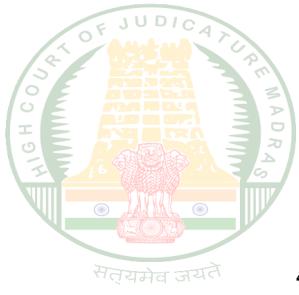
¹ (2012) 10 SCC 303



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have also since married and they are now living as husband and wife. On a perusal of the entire Final Report that is filed by the prosecution also, the fact remains that there was a love affair between the prosecutrix as well as the petitioner and at the time of the alleged occurrence, the prosecutrix was 17 years of age. Thus, considering the overall facts and circumstances of the case and the future of the parties and considering the fact that now they are living together as husband and wife and the petitioner is also working as a Manager in a private concern and leading a lawful life, I am of the view that this case presents a fit circumstance for this Court to invoke the extraordinary power under Section 482 of the Code of Criminal Procedure and quash the case. I have also considered that the date of birth of the petitioner is 13.03.1997 and date of birth of the prosecutrix is 21.12.2003. As such, they are majors and are mature enough to decide for themselves. The marriage is also solemnized and entered in the ledgers of Siddarmalai Sakthivel Murugan temple vide receipt No.234, dated 16.03.2025.



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4. Accordingly, this Criminal Original Petition is allowed. The proceedings in Spl.S.C.No.23 of 2023 pending on the file of the District Mahila Court, Erode stands quashed. Consequently, connected miscellaneous petition is closed.

07.08.2025

Neutral Citation : no
grs

To

1. The District Mahila Court,
Erode.
2. The Inspector of Police,
AWPS - Erode,
Erode District.
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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05.08.2025