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Crl.O.P.No. 13371 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025

CORAM:

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

Crl.O.P.No.13371 of 2025

Nilamathi @ Vijayakumar

... Petitioner

Vs.

1.The State rep by,
The Inspector of Police,
All Women Police Station,
Pennagaram
Dharmapuri District.
(Crime No.17 of 2023)

2.Brinda

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in charge sheet in Spl.S.C.No.307 of 2023 on the file of the Sessions Judge, Special Court for Exclusive Trial of cases under the POCSO Act, 2012, Dharmapuri and quash the same.

For Petitioner : Mr.D.Rameshkumar

For R1 : Mr.A.Gopinath,
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.307 of 2023 on the file of the Sessions Judge, Special Court for Exclusive Trial of cases under the POCSO Act, 2012, Dharmapuri.

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 petitioner and the second respondent (victim girl) before this Court stating that now she married the petitioner and living with him in very happiest manner. 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.



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4. It is seen that the victim girl has now attained majority and has married the petitioner. However, their marriage is yet to be registered before the authority concerned. As both are presently living together happily, 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 proceedings in Spl.S.C.No.307 of 2023 pending trial on the file of the Sessions Judge, Special Court for Exclusive Trial of cases under the POCSO Act, 2012, Dharmapuri, subject to the condition stipulated in the following paragraph.

6. In view of the above, the proceedings in Spl.S.C.No.307 of



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2023 on the file of the Sessions Judge, Special Court for Exclusive Trial of cases under the POCSO Act, 2012, Dharmapuri, is hereby quashed as against the petitioner, subject to the condition that the petitioner shall register his marriage before the competent authority and produce a copy of the registration certificate to the first respondent within a period of two weeks from the date of receipt of a copy of this order. Failing compliance, this order shall stand automatically cancelled and the Trial Court shall proceed with the trial in accordance with law. The Joint Compromise Memo filed by the petitioner and the second respondent (victim girl) shall form part and parcel of this Order.

7. Accordingly, the Criminal Original Petition stands allowed.

24.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

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1. The Sessions Judge, Special Court for Exclusive Trial of cases under the POCSO Act, 2012, Dharmapuri

2. The Inspector of Police,
All Women Police Station,
Pennagaram
Dharmapuri District.

3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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