



CrI.O.P.No.16349 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.16349 of 2025

Arunkumar

... Petitioner

Vs.

1. State rep. By,
The Inspector of Police,
Padalur Police Station,
Perambalur District.
(Crime No.370 of 2023)

2. XXXX,
D/o.XXXX,
XXXX, XXXX,
Perambalur District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in connection with the impugned Final Report in Spl.S.C.No.09 of 2024 on the file of the Learned Sessions Judge, Mahila Court, Perambalur and quash the same, on the ground of compromise.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Criminal Side)
(For R1)
R2 – Appeared in person



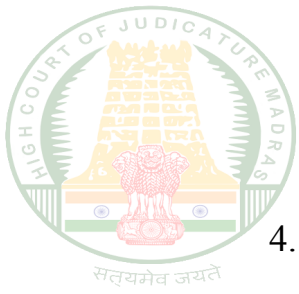
Crl.O.P.No.16349 of 2025

ORDER

WEB COPY The Criminal Original Petition has been filed seeking to quash the the impugned Final Report in Spl.S.C.No.09 of 2024 on the file of the Learned Sessions Judge, Mahila Court, Perambalur on the basis of the compromise arrived at between the petitioner and the de facto complainant/second respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent and perused the materials available on record.

3. Based on the complaint given by the de facto complainant/R2, a case in Crime No.370 of 2023 was registered against the accused for the offences under Sections 323, 341 and 354D of I.P.C. and U/s.11(iv) and 12 of Protection of Children from Sexual Offences Act, 2012. After the investigation, the 1st respondent Police has laid impugned final report for the same Sections and the same was taken on file as Spl.S.C.No.09 of 2024 on the file of the Learned Sessions Judge, Mahila Court, Perambalur and it is pending for trial.



Crl.O.P.No.16349 of 2025

4. The learned counsel appearing for the petitioner submitted that the petitioner has amicably settled the dispute with the de facto complainant/R2 and they have also filed a Joint Memo of Compromise to that effect. Hence, he prayed to quash the Final Report in Spl.S.C.No.09 of 2024 on the file of the Learned Sessions Judge, Mahila Court, Perambalur as against petitioner.

5. The petitioner and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.M.Kozhanjiyappan, Sub-Inspector, Padalur Police Station, Perambalur District.

6. On being enquired by this Court, the de facto complainant/victim girl, stated that she has amicably settled the dispute with the petitioner and she is not willing to pursue the criminal proceedings against the petitioner.

7. The learned Government Advocate (Criminal Side) appearing on behalf of the first respondent submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offence has to consider the issue as to whether an



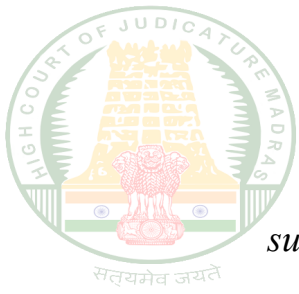
offence of this nature can be quashed on the ground of compromise between parties.

8. Heard both sides and perused the materials available on record.

9. In this regard, it is relevant to refer the judgment of the learned Single Judge of this Court in ***Sabari v. Inspector of Police*** reported in **2019 (3) MLJ Crl 110**, wherein the learned single Judge had discussed in detail about the cases in which persons of the age group of 16 to 18 years are involved in love affairs and how in some cases ultimately end up in a criminal case booked for an offence under the POSCO Act. The relevant portions of the judgment are extracted hereunder for proper appreciation:-

“ 21.When this case was taken up for hearing, this Court became concerned about the growing incidence of offences under the POCSO Act on one side and also the Rigorous Imprisonment envisaged in the Act. Sometimes it happens that such offences are slapped against teenagers, who fall victim of the application of the POCSO Act at an young age without understanding the implication of the severity of the enactment.

26.In addition to the above, this Court is of the view that 'warning' of attraction of POCSO Act must be displayed before screening of any film, which have teenage characters

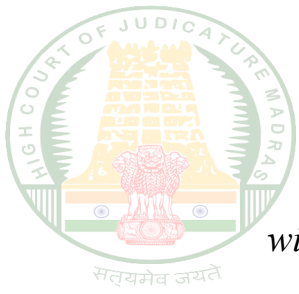


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suggesting relationship between boy and girl.

27. Apart from the above, this Court is of the view that as per the 3rd respondent's report, majority of cases are due to relationship between adolescent boys and girls. Though under Section 2(d) of the Act, 'Child' is defined as a person below the age of 18 years and in case of any love affair between a girl and a boy, where the girl happened to be 16 or 17 years old, either in the school final or entering the college, the relationship invariably assumes the penal character by subjecting the boy to the rigorous of POCSO Act. Once the age of the girl is established in such relationship as below 18 years, the boy involved in the relationship is sure to be sentenced 7 years or 10 years as minimum imprisonment, as the case may be.

28. When the girl below 18 years is involved in a relationship with the teen age boy or little over the teen age, it is always a question mark as to how such relationship could be defined, though such relationship would be the result of mutual innocence and biological attraction. Such relationship cannot be construed as an unnatural one or alien to between relationship of opposite sexes. But in such cases where the age of the girl is below 18 years, even though she was capable of giving consent for relationship, being mentally matured, unfortunately, the provisions of the POCSO Act get attracted if such relationship transcends beyond platonic limits, attracting strong arm of law sanctioned by the provisions of POCSO Act, catching up

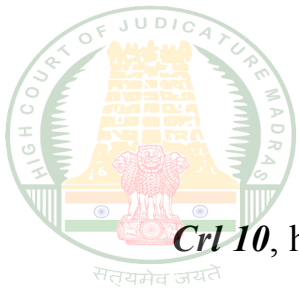


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with the so called offender of sexual assault, warranting a severe imprisonment of 7/10 years.

29. Therefore, on a profound consideration of the ground realities, the definition of 'Child' under Section 2(d) of the POCSO Act can be redefined as 16 instead of 18. Any consensual sex after the age of 16 or bodily contact or allied acts can be excluded from the rigorous provisions of the POCSO Act and such sexual assault, if it is so defined can be tried under more liberal provision, which can be introduced in the Act itself and in order to distinguish the cases of teen age relationship after 16 years, from the cases of sexual assault on children below 16 years. The Act can be amended to the effect that the age of the offender ought not to be more than five years or so than the consensual victim girl of 16 years or more. So that the impressionable age of the victim girl cannot be taken advantage of by a person who is much older and crossed the age of presumable infatuation or innocence”.

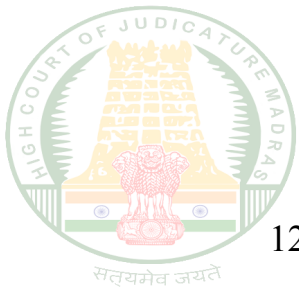
10. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioners. The Hon'ble Supreme Court in the case of ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat***, reported in ***2017 9 SCC 641*** and in case of ***The State of Madhya Pradesh Vs. Dhruv Gurjar and Another*** reported in ***(2019) 2 MLJ***



CrI.O.P.No.16349 of 2025

CrI 10, has given sufficient guidelines that must be taken into consideration by this Court while exercising its jurisdiction under Section 482 of Cr.P.C, to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine if the crime in question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

11. In the present case, the offences in question are purely individual/personal in nature. It involves the petitioner, the victim girl and their respective families only. Quashing the proceedings, will not affect any overriding public interest in this case. No useful purpose will be served in continuing with the criminal proceedings and keeping the proceedings pending will only swell the mental agony of the petitioner, victim girl and their parents as well. In view of the above, this Court is inclined to quash the the impugned Final Report in Spl.S.C.No.09 of 2024 on the file of the Learned Sessions Judge, Mahila Court, Perambalur, in exercise of its jurisdiction under Section 482 of Cr.P.C.



CrI.O.P.No.16349 of 2025

12. The only allegation against the accused is that he allegedly stalked the 2nd respondent. The petitioner and the 2nd respondent are relatives and at the time of the alleged incident, the 2nd respondent was a minor, aged about 16 years and now she had attained majority and both parties have resolved their differences amicably, this Court is of the view that no useful purpose would be served by continuing the proceedings.

13. In view of the above, this Criminal Original Petition is allowed and the final report in Spl.S.C.No.09 of 2024 on the file of the Learned Sessions Judge, Mahila Court, Perambalur, is quashed as against the petitioner. The Joint Memo of Compromise filed by the petitioner and the victim girl for compromising the offences shall form part of this order. Consequently, connected miscellaneous petition is closed.

09.10.2025

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Neutral Citation: Yes/No

To

1. The Learned Sessions Judge,
Mahila Court, Perambalur.
2. The Inspector of Police,
Padalur Police Station,

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Crl.O.P.No.16349 of 2025

Perambalur District.

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The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.16349 of 2025

N. SATHISH KUMAR, J.

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Crl.O.P.No.16349 of 2025

09.10.2025