



Crl.O.P.No.13357 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2025

CORAM:

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

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S.Shankar

... Petitioner

Vs.

1. The State Rep. by
Inspector of Police,
All Women Police Station,
Bhavai, Erode.
Crime No.18 of 2023

2. XXXXX

3. XXXXX

4. The Child Welfare Committee,
Rep it Supervisor,
DCPU, Erode.

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records pursuant to the case in Spl.S.C.No.39 of 2024 pending on the file of the Mahila Court, Erode and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.P.Kannan

For Respondents

For R1 : Mr.A.Gopinath

Government Advocate (Crl. Side)



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ORDER

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This petition has been filed to quash the proceedings in Special S.C.No.39 of 2024 pending on the file of the Mahila Court, Erode, as against the petitioner, thereby taken cognizance for the offences under Section 9 of the Prohibition of Child Marriage Act and Sections 5(I),5(j)(ii) r/w 6 of Protection of Children 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 Compromise Memo has been filed before this Court, which has been signed by the petitioner, victim girl and the defacto complainant and also by their respective counsel. 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 and it 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.



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4. It is seen that now the victim girl viz., the second respondent attains majority and she married the first petitioner/accused and gave birth to a child. Their marriage also got registered before the authority concerned. Now both are living happily and therefore, the petitioners 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 Gujraath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in Special S.C.No.39 of 2024 pending trial on the file of the Mahila Court, Erode.

6. In view of the above, the proceedings in Special S.C.No.39 of 2024 on the file of the Mahila Court, Erode, is hereby quashed as against the petitioner. The Joint Compromise Memo shall form part and parcel of this Order.



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

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

rts



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To
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1. The Mahila Court, Erode.
2. The Inspector of Police,
All Women Police Station,
Bhavai, Erode.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

rts

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