



*Crl.O.P.No.3601 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

CORAM:

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

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Settu

... Petitioner

Vs.

1. The State Rep. by  
The Inspector of Police,  
All Women Police Station,  
Sangagiri,  
Salem District.  
(Crime No.22 of 2023)

2. Thamaraiselvi

... Respondents

**Prayer:** Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to Spl.S.C.No.63/2024 on the file of the Special Court for the exclusive trial of cases under POCSO Act, Salem and quash the same.

For Petitioner : Mr.T.Muruganantham

For Respondents

For R1 : Mr.J.R.Archana  
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.63 of 2024, pending on the file of the learned Special Court for the exclusive trial of cases under POCSO Act, Salem, as against the petitioner, thereby taken cognizance for the offences under Section 366 of IPC and 5(l), 5(j)(ii), 5(n) & 6(1) of Protection of Child from Sexual Offences Act, 2012 and Section 9 Prohibition of Child Marriage Act, 2006.

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, which has been signed by the petitioner 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 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 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 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.63 of 2024 pending trial on the file of the learned Special Court for the exclusive trial of cases under POCSO Act, Salem.

6. In view of the above, the proceedings in Special S.C.No.63 of 2024 on the file of the learned Special Court for the exclusive trial of cases under POCSO Act, Salem, is hereby quashed. The terms of 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 Special Judge  
Special Court for the exclusive trial  
of cases under POCSO Act,  
Salem.

2. The Inspector of Police,  
All Women Police Station,  
Sangagiri,  
Salem District.

3. The Public Prosecutor,  
Madras High Court,  
Chennai.



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**G.K.ILANTHIRAIYAN, J.**

rts

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