



Crl.O.P.No.4731 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

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

Crl.O.P.No. 4731 of 2025

1. Venkatesan

2. Selvi

... Petitioners

Vs.

1. The State Rep. by
The Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar,
Chennai.

2. Latha

3. Vijayalakshmi

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the final report/charge sheet in Spl.S.C.No.47 of 2023 on the file of the learned Sessions Judge (Mahalir Neethimandram/Mahila court), Allikulam, Chennai.

For Petitioners : Mr.D.Prasanna Kumar

For Respondents

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)



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ORDER

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This petition has been filed to quash the proceedings in Spl.S.C.No.47 of 2023 pending on the file of the learned Sessions Judge (Mahalir Neethimandram/Mahila court), Allikulam, Chennai, as against the petitioners, thereby taken cognizance for the offences under Section 366 of IPC, Sections 6 r/w 5(l) j(ii) & 21(1) of the Protection of Child from Sexual Offences Act, 2012, Sections 9 & 10 of the Prohibition of Child Marriage Act.

2. Pending this petition, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. An affidavit has been filed by the third respondent before this Court stating that now she married the first petitioner and living with him in very happiest manner. All the parties are present and identified by their respective counsel and the Police. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

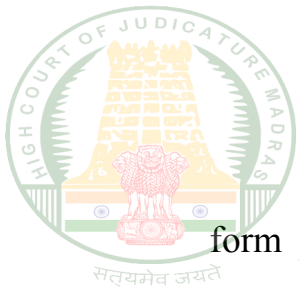


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4. It is seen that now the victim girl viz., the second respondent attains majority and she married the first petitioner/accused and gave birth to a child. Now both are living happily and therefore, the petitioners need not go for ordeal of trial.

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 Gujrath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in Special Spl.S.C.No.47 of 2023 pending trial on the file of the learned Sessions Judge (Mahalir Neethimandram/Mahila court), Allikulam, Chennai.

6. In view of the above, the proceedings in Spl.S.C.No.47 of 2023 on the file of the learned Sessions Judge (Mahalir Neethimandram/Mahila court), Allikulam, Chennai, is hereby quashed as against the petitioners. The affidavit filed by the third respondent shall



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form part and parcel of this Order. The first petitioner is directed to registered their marriage and produce the marriage certificate before the first respondent police within a period of two weeks from the date of receipt of a copy of this Order, failing which, the order passed by this Court shall stand automatically cancelled.

7. Accordingly, the Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petitions are closed.

21.02.2025

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

rts



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To
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1. The Sessions Judge,
(Mahalir Neethimandram/Mahila court),
Allikulam, Chennai.
2. The Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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