



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.R.C.No.1517 of 2025
and Crl.M.P.No.15948 of 2025**

Gowtham Kailash

...Petitioner

Versus

State of Tamil Nadu through
The Inspector of Police,
Cyber Crime Police Station,
South Zone,
Chennai.
(Crime No.7/2023)

...Respondent

This Criminal Revision Case is filed under Section 438 r/w. 442 of BNSS, 2023 praying to call for records relating to the impugned order dated 17.07.2025 in Crl.M.P.No.550 of 2025 in Spl.S.C.No.31 of 2025 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and set aside the same by allowing this Criminal Revision Petition.

For Petitioner : Mr.R.K.Ramaiah

For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl.Side)



ORDER

This Civil Revision Case has been filed by the petitioner/accused seeking to set aside the Order dated 17.07.2025 in CrI.M.P.No.550 of 2025 in Spl.S.C.No.31 of 2025 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

2. The brief facts of the case are as follows:

The petitioner/accused had got acquainted with one Mrs.Swathi @ Porselvi (*de facto* complainant) in the social media and they became close friends. While so, petitioner/accused intentionally morphed the photos of *de facto* complainant and her daughter aged 9 years and created obscene photos. The petitioner/accused had created a Face Book ID viz., Vettaian Entry and shared those obscene photos to different Face Book Accounts through the said Face Book ID. When the *de facto* complainant came to know about the same, she lodged a complaint to the respondent Police in this regard. Based on the complaint given by the *de facto* complainant, respondent Police had registered a case in Crime No.7 of 2023 against the petitioner/accused for the offences under Section 12 of POCSO Act, 2012 and 67B(b) & 67A of the Information Technology Act, 2000. After conducting a proper investigation,



the respondent Police had filed the Charge Sheet before the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai which was taken on file in Spl.S.C.No.31 of 2025. While the said case is pending, petitioner/accused had filed a petition in CrI.M.P.No.550 of 2025 in Spl.S.C.No.31 of 2025 under Section 250 of BNSS, 2023 praying to pass an order discharging him from the case in Spl.S.C.No.31 of 2025. However, the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai vide Order dated 17.07.2025, dismissed the said petition. Hence, petitioner/accused has filed this Criminal Revision Petition.

3. The learned counsel for petitioner/accused and the learned Government Advocate (CrI.Side) appearing on behalf of the respondent Police submitted in unison that this Court vide Order dated 10.10.2025, referred the matter to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras and directed the parties to appear before the Mediator on 03.11.2025.

3.1. It is further submitted by the learned counsel on both sides that as per the aforesaid order of this Court, the matter was listed before the Tamil



Nadu Mediation and Conciliation Centre, High Court, Madras on 03.11.2025

and the parties had also appeared before the Mediator on the said date.

Before the Mediation Centre, petitioner/accused and *de-facto* complainant have entered into a Joint Compromise Memo dated 17.11.2025, on the basis of which, the issue involved herein has been amicably settled between the parties. The Assistant Registrar, Tamil Nadu Mediation and Conciliation Centre, High Court, Madras has forwarded the Mediation Report along with Joint Compromise Memo dated 17.11.2025 signed by both the parties and their respective counsels, to this Court.

3.2. The learned counsel on either side also submitted that under the said Joint Compromise Memo, petitioner/accused paid a sum of Rs.7,00,000/- to the *de facto* complainant by way of Demand Draft dated 13.11.2025 and the *de facto* complainant also received the said amount from petitioner/accused. After receiving the amount of Rs.7,00,000/- from the petitioner/accused, *de facto* complainant agreed and consented for discharging the petitioner/accused from the criminal proceedings pending against him. Therefore, the learned counsels jointly prayed that the Joint Compromise Memo dated 17.11.2025 entered into between the parties may



be recorded and petitioner/accused may be discharged from the criminal proceedings initiated against in Crime No.7 of 2023 on the file of respondent Police and the case pending against him in Spl.S.C.No.31 of 2025 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

4. The Joint Compromise Memo dated 17.11.2025 entered into between the petitioner/accused and *de facto* complainant reads as follows:

“1. It is submitted that the Inspector of Police, Cyber Crime, South Zone, Chennai has filed Final Report under 193 of BNSS for offences under Section 12 of POCSO Act, 2012 and 67B(b) and 67(A) of Information Technology Act, 2000 as against the Revision Petitioner in Crime No.7 of 2023 on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

2. It is submitted that the Revision Petitioner filed discharge petition in Crl.M.P.No.550 of 2025 before the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai to discharge him from offences u/s. 12 of POCSO Act, 2012 and 67B(b) and 67(A) of Information Technology Act, 2000. The said discharge petition dismissed by order dated 17.07.2025 against which present criminal revision has been filed before this Hon'ble Court.

3. It is submitted that the Revision Petitioner denied the allegation and during the hearing in Criminal Revision Petition, the parties (Revision Petitioner and De Facto Complainant) consented for mediation. Based on that, mediation was conducted and Revision Petitioner as well as the de facto complainant arrived at a compromise.



4. *It is submitted that in view of the compromise, the de facto complainant Swathi @ Porulselvi agreed and consented to discharge the Revision Petitioner from the offences u/s. 12 of POCSO Act, 2012 and 67B(b) and 67(A) of Information Technology Act, 2000 in Crime No.7 of 2023 in Spl.S.C.No.31 of 2025 on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act.*

5. *It is submitted that in view of the terms of compromise the Revision Petitioner agrees to pay sum of Rs.7,00,000/- (Seven Lakhs) by way of Demand Draft dated 13.11.2025 in DD No.014405 drawn at Tamil Nadu Mercantile Bank, Aranthangi Branch, payable at Chennai. The De Facto Complainant agreed and consented and received the above said amount, at mediation center attached to Hon'ble Madras High Court in full satisfaction of all her claim made in the aforesaid complaint.*

6. *It is submitted that there is no further litigation or any transaction in whatever manner pending between the Revision Petitioner and De Facto Complainant.*

Therefore, it is just and necessary that this Hon'ble Court may be pleased to accept this Compromise Memo and discharge the Revision Petitioner from offences u/s. 12 of POCSO Act, 2012 and 67B(b) and 67(A) of Information Technology Act, 2000 in Crime No.7 of 2023 in Spl.S.C.No.31 of 2025 on the file of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and thus, render justice."

5. As far as this case is concerned, in order to give quietus to the issue involved herein, this Court referred the matter to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras. The dispute between the parties



has been amicably settled before the Mediation Centre. The parties have entered into a Joint Compromise Memo dated 17.11.2025. Under the said Joint Compromise Memo, petitioner/accused paid a sum of Rs.7,00,000/- to the *de facto* complainant by way of Demand Draft. The *de facto* complainant received the said amount from petitioner/accused and agreed for discharging the petitioner/accused from the criminal proceedings pending against him.

6. At this juncture, it is pertinent to state that in the case of ***Gian Singh Vs. State of Punjab & Anr.*** reported in ***(2012) 10 SCC 303***, the Hon'ble Supreme Court had held as follows:

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime.



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Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."



7. Keeping in view of the aforesaid decision of the Hon'ble Supreme Court, I am of the opinion that this is a fit case to quash the criminal proceedings against the petitioner/accused since the dispute between the petitioner/accused and *de facto* complainant is compromised, continuation of criminal case would put accused to great oppression.

8. Taking note of the fact that the issue involved herein has been settled between the parties by way of Joint Compromise Memo dated 17.11.2025 and the *de facto* complainant expressed her consented for discharging the petitioner/accused from the criminal proceedings pending against him, this Court is inclined to set aside the impugned order and discharge the petitioner/accused from the criminal proceedings initiated against him in Crime No.7 of 2023 on the file of respondent Police as well as from the case pending against him on the file of Trial Court.

9. Accordingly, Order dated 17.07.2025 in CrI.M.P.No.550 of 2025 in Spl.S.C.No.31 of 2025 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai is set aside and the petitioner/accused is discharged from the criminal proceedings initiated



against him in Crime No.7 of 2023 on the file of respondent Police as well as from the case pending against him in Spl.S.C.No.31 of 2025 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

10. Considering the request made by the learned counsel on either side, the Joint Compromise Memo dated 17.11.2025 entered into between the petitioner/accused and *de facto* complainant is recorded and the same shall form part of this order.

11. This Criminal Revision Case is disposed of with the above observation. Consequently, connected Miscellaneous Petition is closed.

26.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order



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To

- 1.The Sessions Judge,
Special Court for Exclusive Trial of
Cases under POCSO Act, Chennai.
- 2.The Inspector of Police,
Cyber Crime Police Station,
South Zone,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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