



Crl.O.P.No. 3983 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM:

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

Crl.O.P.No. 3983 of 2025

Kanagaraj

.... Petitioner

Vs

1. State, rep by
The Inspector of Police,
All Women Police Station,
Dharmapuri District.
(Crime No 29 of 2023)

2. Jothi Respondents

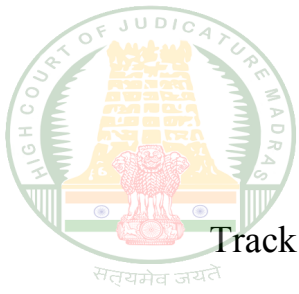
Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to Spl.S.C.No. 36 of 2024 on the file of the Sessions Judge, Fast Track Mahila Court, Dharmapuri and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.V.Sakkarapani

For R1 : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This petition has been filed to quash the proceedings in
Spl.S.C.No. 36 of 2024 pending on the file of the Sessions Judge, Fast



Crl.O.P.No. 3983 of 2025

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Track Mahila Court, Dharmapuri as against the petitioner, thereby taken cognizance for the offences under Section 9 of Prohibition of Child Marriage Act, 2006 and Sections 5(1), 5(j) (ii) r/w 6(1) of POCSO Act, later altered to Section 9 of Prohibition of Child Marriage Act, 2006 and Sections 5(1), 5(j) (ii), 5(n) r/w 6(1) of POCSO Act and Sections 363, 366 of IPC.

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 second respondent before this Court stating that now she married the petitioner and living with him in very happiest manner. 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.

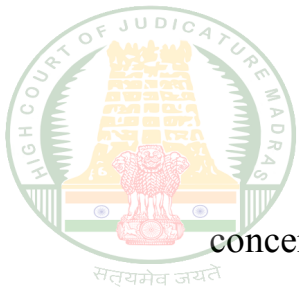


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4. It is seen that the victim, viz., the second respondent, has now attained majority. Though the petitioner and the victim were living together happily and she is now pregnant with their second child, they have failed to register their marriage before the registering authority so far.

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 Spl.S.C.No. 36 of 2024 pending on the file of the Sessions Judge, Fast Track Mahila Court, Dharmapuri.

6. In view of the above, the proceedings in Spl.S.C.No. 36 of 2024 pending on the file of the Sessions Judge, Fast Track Mahila Court, Dharmapuri is hereby quashed as against the petitioner on condition that the petitioner shall register his marriage with the victim before the



Crl.O.P.No. 3983 of 2025

concerned authority within a period of four weeks from today and produces the marriage certificate before the first respondent. Failing which, the order passed by this Court shall stand automatically cancelled. The Trial Court is directed to proceed with the trial as against the petitioner.

7. Accordingly, the Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petitions are closed.

17.02.2025

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

To

1. The Sessions Judge,
Fast Track Mahila Court,
Dharmapuri

2. The Inspector of Police,
All Women Police Station,
Dharmapuri District.

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



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Crl.O.P.No. 3983 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No. 3983 of 2025

17.02.2025