



Crl.O.P.No.32679 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2025

CORAM:

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

Crl.O.P.No. 32679 of 2024

and

Crl.M.P.No.18596 of 2024

H.Thoufiq

.... Petitioner

Vs

1.The State rep by its
The Inspector of Poliuce,
Tiruppur South Police Station,
Tiruppur.
(Crime No.2297 of 2021)

2. Fathima Beevi

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in connection with charge sheet in Spl.S.C.No.58 of 2022 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, Tiruppur and quash the same.

For Petitioner : Mr.P.Thinesh

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.58 of 2022 pending on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, as against the petitioner, thereby taken cognizance for the offences under Sections 366 & 506(1) of IPC r/w Section 5(1) & 6 of POCSO Act.

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

3. The victim and the petitioner have filed an affidavit before this Court stating that now they are now married and living together 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. The victim girl as well as her mother appeared before this Court and deposed that the petitioner has married the victim and they are living together happily. It was further stated that their marriage has also duly 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 Gujraath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in Spl.S.C.No.58 of 2022 pending trial on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur,

6. In view of the above, the proceedings in Spl.S.C.No.58 of 2022 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, is hereby quashed as against the petitioner. The affidavit filed by the victim and the petitioner shall form part and parcel of this Order.



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

Consequently, connected miscellaneous petition is closed.

10.02.2025

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

1. The Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court),
Tiruppur

2. The Inspector of Police,
Tiruppur South Police Station,
Tiruppur.

3. The Public Prosecutor,
High Court,
Madras.



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G.K.ILANTHIRAIYAN, J.

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