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CRL A No. 1654 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1654 of 2025

1. PRABAKARAN

S/o. Madhavan, Mel Sembili Village,
Sembili Post, Gudiyatham Taluk,
Vellore District. Crime No.613 of 2020.

Appellant(s)

Vs

1. The State rep by
The Inspector of Police
Pernambut Police Station, Pernambut,
Vellore District. Crime No.613 of 2020.

Respondent(s)

PRAYER

Criminal Appeal filed under Section 415(2) of BNSS, praying to allow the appeal by set aside the conviction and sentence imposed in the judgement dated 29.09.2025 in S.C.no.20 of 2022 on the file of the Fast Track Mahila Court, Vellore.

For Appellant(s): Mr.G.Vinodhkumar



For Respondent(s): Mr.V.Meganathan
Government Advocate (Crl.Side)
Ms.M.Geetha
Party-in-person
(Defacto complainant)

JUDGEMENT

The appellant has filed this appeal to set aside the conviction and sentence imposed in the judgement dated 29.09.2025 in S.C.no.20 of 2022 on the file of the Fast Track Mahila Court, Vellore.

2. The compromise memo dated 27.11.2025 submitted by both parties. In terms agreed between the parties, the defacto complainant is not inclined to proceed with the matter further. Today, a gift deed was executed in the name of the minor son of the petitioner, appointing his maternal grandmother as guardian, dated 24.11.2025. The original settlement deed has also been handed over to the defacto complainant, and she has received the same. Further, the petitioner is directed to pay the monthly maintenance of Rs. 5,000/- to the minor son. The said amount shall be paid either to the account of the maternal grandmother or to the minor son, whichever is convenient, during the first week



of every English calendar month.

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3. Regarding visitation, as sought by the petitioner, the maternal grandmother is directed to present the child to the petitioner at Paranampet Police Station on Sundays at 11:00 a.m. The petitioner/father is entitled to keep his son until 3:00 p.m., after which he shall hand over the child to the maternal grandmother/Geetha.

4. The petitioner is also directed to pay the school fees and other educational expenses of the child until he attains majority.

5. All the conditions mentioned above are to be strictly followed without any deviation.

6. By relying on the ratio laid down in the case of *Gian Singh Vs. State of Punjab & Another*, reported in (2012) 10 SCC 303, it is stated as follows:



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“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.LR 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. 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



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the criminal cases having overwhelmingly and pre-dominatingly 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.”

7. The defacto complainant has agreed to end the proceedings, and as the offences were compoundable, S.C. No. 20 of 2022, on the file of the Fast Track Mahila Court, Vellore, is ordered to be dropped. All the accused are ordered to be acquitted of the charges. The joint compromise memo forms part of this order.

8. In view of the above, this Criminal Appeal is disposed of.

27-11-2025

Index: Yes/No

Speaking/Non-speaking order



Internet: Yes

Neutral Citation: Yes/No

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To

1. The State rep by
The Inspector of Police
Pernambut Police Station, Pernambut,
Vellore District. Crime No.613 of 2020.
2. The Fast Track Mahila Court, Vellore.



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T.V.THAMILSELVI J.
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