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CRL RC No. 2184 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2184 of 2025

AND

CRL MP NO. 20117 OF 2025

1. C.Balaji

S/o.Chinnasamy, No.782, 24th Street,
B.V.Colony, Vyasarpadi, Chennai-600
039.

Petitioner(s)

Vs

1. The State of Tamil Nadu Rep by, The
Inspector of Police,
W-17, Sembium AWPS, Peravallu,
Chennai. Cr.No.23/2024.

Respondent(s)

PRAYER

To set aside the impugned order dated 18.07.2025 in Crl.M.P.No.586/2025 in Spl.SC No.43/2025 on the file of the Honble Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

For Petitioner(s): D.Percivul Pericles
U.Priyadarsini
M.Sakthiguruchitra
M.Praveen Kumar
S.Vimal Akash
R.Sethu

For Respondent(s): Dr.C.E. Pratap, Govt Advocate



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ORDER

This petition is filed to set aside the impugned order dated 18.07.2025 in Crl.M.P.No.586/2025 in Spl.SC No.43/2025 on the file of the Honble Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

2. Today when the matter is taken up for hearing, the victim girl, mother of the victim girl and the Child welfare Officer appeared before this Court. The mother of the victim girl submitted that they are not inclined to proceed with the matter considering the welfare of the child. It is also stated that the petitioner has paid a sum of Rs.50,000/- to the victim and produced the proof to that effect and the same was also acknowledged by the victim girl and her mother in the affidavit filed by the petitioner. The affidavit filed by the petitioner is extracted hereunder:

1. I am the petitioner in this case and the sole accused before the Trial Court and as such I am well acquainted with the facts and circumstances of this case.

2. That I have filed this petition seeking for setting aside the dismissal order dated 18.07.2025, of my discharge petition in Crl.M.P.No.586 of 2025 in Spl.S.C.No.43 of 2025 on the file of the Special Court (POCSO), Chennai

3. That I am innocent and this case has been foisted against me.

4. That the victim child had also clearly stated in her 164 statement that I am innocent.

5. That out of my bona-fide thought, I have come forward to



compensate the victim child a sum of Rs.1,00,000/- towards her education expenses and other expenses.

6. That towards the same I have transferred Rs.50,000/- on 19.11.2015 vide UPI ID No.5323889655534 and another sum of Rs.25,000/- vide UPI ID No. 532400890030 on 20.11.2025 and a another sum of Rs.25,000/- through UPI ID IDNo. 532499392273 Account of the victim's mother Mrs.Sharmila. A copy of the Bank statement with the relevant entries I am annexing herewith. I have paid Rs.5,000/- by cash to the victim's mother.

7. That the mother of the victim had also come forward in not pressing the case against me after come to know that I am innocent in this case.

3. Before adverting further it would be relevant to go through the Judgment passed by this Court in the similar facts of the case in ***Gian Singh Vs. State of Punjab and another (2012 10 SCC 303)*** and the relevant portion of the Judgment is extracted hereunder:

57. The position that emerges from the above discussion can be summarized 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 powers 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 of F.I.R may be exercised where the offence 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 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. In this category 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.

4. Recording the affidavit filed by the petitioner and on going through the proposition laid down in the above referred case, in the interest of justice this Criminal Revision Case is disposed of. Consequently, the connected miscellaneous petition is closed. The affidavit filed by the petitioner which is extracted above forms part of this order. Accused is acquitted from all charges.

20-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To.

1. The Inspector of Police,

W-17, Sembium AWPS, Peravallu, Chennai

2. The learned Judge Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.



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T.V.THAMILSELVI, J.

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