



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.A.No.1761 of 2025

Venugopal

...Appellant

Versus

The State Rep. by
The Inspector of Police,
All Women Police Station,
Vellore, Vellore District.
(Crime No.58/2013)

...Respondent

This Criminal Appeal is filed under Section 415(2) of BNSS, 2023 praying to call for the entire records in connection with S.C.No.142 of 2015 on the file of the learned Magila Court (Fast Track Magila Court), Vellore, Vellore District and set aside the Judgment dated 13.08.2025.

For Appellant	:	Mr.E.Kannadasan
For Respondent	:	Mr.V.Meganathan, Government Advocate (Crl.Side)

JUDGMENT

This Criminal Appeal has been preferred by the appellant/accused seeking to set aside the Judgment dated 13.08.2025 in S.C.No.142 of 2015 passed by the learned Sessions Judge, Magila Court (Fast Track Magila Court), Vellore.



2. The case of the prosecution is that on 30.12.2013, at about 2.30 p.m., P.W.1 (Selvi, daughter of the victim) asked her mother (victim) to buy a Bonda from the shop. After sometime, one Mr.Saravanan (P.W.4) informed P.W.1 that the appellant/accused had committed penetrative sexual assault on her mother (victim) and her mother is crying in the corn field. On receipt of said information, P.W.1 immediately rushed to the corn field, where, she saw her mother (victim) sitting near the BSNL Tower at new street and crying. When P.W.1 enquired her mother (victim), her mother (victim) had stated that appellant/accused had forcibly taken her into the corn field and committed penetrative sexual assault upon her. P.W.1's mother (victim) had further stated that when she raised alarm, appellant/accused flew away from the place of occurrence and P.W.4 & others rushed to the place of occurrence. Therefore, P.W.1 had lodged a complaint to the respondent Police stating that her mother was sexually assaulted by the appellant/accused. Based on the complaint given by P.W.1, respondent Police had registered a case in Crime No.58 of 2013 against the appellant/accused for the offence under Section 376 of IPC. After the completion of investigation, the respondent Police had filed the Final Report before the Trial Court which was taken on file in S.C.No.142 of 2015.



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3. Before the Trial Court, on the side of prosecution, 15 persons were examined as witnesses viz., P.W.1 to P.W.15 and 11 documents were marked as exhibits viz., Ex.P1 to Ex.P11. On the side of appellant/accused, no witnesses were examined and no documents were marked.

4. On appreciation of the oral and documentary evidence produced before it, the Trial Court had held that appellant/accused is found guilty for commission of offence under Section 376(2)(j)(l) r/w. 511 of IPC. Therefore, the Trial Court vide Judgment dated 13.08.2025 in S.C.No.142 of 2015, convicted the appellant/accused and sentenced him to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 1 month simple imprisonment. Aggrieved by the said conviction and sentence, appellant/accused has preferred this Criminal Appeal before this Court.

5. The learned counsel for appellant/accused submitted that appellant/accused has been under the judicial custody for more than 3 months and he is ready to abide any condition to be imposed by this Court.



5.1. It is further submitted by the learned counsel for appellant/accused that during investigation of the case, P.W.1/*de facto* complainant (daughter of the victim) came to know that actually there was no such incident had taken place on the alleged date of occurrence and hence, she requested the respondent Police not to pursue the case further against the appellant/accused, but, the respondent Police refused to consider her request and they directed her to depose evidence as stated in the Charge Sheet filed by the respondent Police.

5.2. The learned counsel for appellant/accused also submitted that now the P.W.1/*de facto* complainant (daughter of the victim) has filed an Affidavit dated 18.11.2025 seeking the permission of this Court to withdraw the complaint which she lodged against the appellant/accused. The said Affidavit reads as follows:

“1. I submit that I am the de facto complainant/P.W.1 and daughter of the victim P.W.2 by name Santhi in the above case and as such I am well acquainted with the facts of the case.

2. I submit that on 30.12.2013, at about 02.30 p.m. I asked my mother to buy a Bonda from the shop. After sometime, one SARAVANAN/P.W.4 came and informed me that the appellant committed penetrative sexual assault on my mother and she is crying in the corn field. On receipt of intimation, I rushed there and found my mother was



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sitting near BSNL Tower at new street with crying. On enquiry from, she revealed that the appellant waylaid and forcibly taken her into corn field and committed penetrative sexual assault upon her and she raised alarm, he flew away. Hence, I preferred a complaint before the respondent Police. On receipt of my complaint, they registered a case in Crime No.58/2013 for the offence under Section 376 of IPC. After completion of investigation, the respondent Police filed final report and after conclusion of trial, the appellant found guilty and convicted him for the offence under Section 376(2)(j)(l) r/w. 511 of IPC and sentenced to undergo Rigorous Imprisonment for ten years and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month.

3. I submit that during investigation, I reliably came to know that there was no such incident taken place as alleged by the said SARAVANAN/P.W.4 and the same was communicated to the respondent police and requested them not to persuade the matter against the appellant. But the respondent police refused to accept my request and directed me to give evidence as stated in their charge sheet. In view of their instruction, I am left with no other way except to follow their instruction and give evidence before the trial Court.

4. I submit that I am filing this affidavit to support the appellant's request and also, seeking permission of this Hon'ble Court to permit me to withdraw my complaint preferred against the appellant.

5. I submit that in view of the above facts, I am voluntarily come forward and filing this affidavit to set out the entire facts what was happened on the date of occurrence and till filing of charge sheet and there was no coercion or undue influence, on my own accord I am filing this affidavit.

I therefore prayed that this Hon'ble Court may be pleased to accept my affidavit and pass necessary orders as this Hon'ble Court may deem fit and proper in the circumstances of the case thus render justice."



5.3. The learned counsel for appellant/accused has produced the Affidavit of P.W.1/*de facto* complainant before this Court and prayed that the said Affidavit may be recorded and this Criminal Appeal may be allowed by setting aside the judgment of the Trial Court.

6. Heard the learned counsel for appellant/accused and perused the materials available on record.

7. In the present case, on the alleged date of occurrence, P.W.1/*de facto* complainant (daughter of the victim) was informed by P.W.4 that the appellant/accused had committed penetrative sexual assault on her mother (victim) and her mother is crying in the corn field. Hence, P.W.1/*de facto* complainant had immediately rushed to the corn field and enquired her mother (victim). Thereafter, P.W.1/*de facto* complainant had lodged a police complaint against the appellant/accused, based on the said complaint, respondent Police had registered a case against the appellant/accused and had started the investigation. After the completion of investigation, the respondent Police had filed the Final Report which was taken on file in S.C.No.142 of 2015. The Trial Court vide Judgment dated 13.08.2025 in



S.C.No.142 of 2015, convicted the appellant/accused for commission of offence under Section 376(2)(j)(l) r/w. 511 of IPC and sentenced him to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 1 month simple imprisonment. Aggrieved by the judgment of the Trial Court, appellant/accused has preferred the present Criminal Appeal.

8. Subsequent to the filing of this Criminal Appeal, now P.W.1/*de facto* complainant (daughter of the victim) has filed an Affidavit before this Court, wherein, it has been stated that during the investigation of the case, P.W.1/*de facto* complainant came to know that there was no such alleged occurrence had taken place on 30.12.2013 and thus, she requested the respondent Police not to pursue with this case, but, the respondent Police refused to consider her request and therefore, she seeks the permission of this Court to withdraw the complaint which she lodged against the appellant/accused.

9. Considering the request made by the learned counsel for appellant/accused, Affidavit of P.W.1/*de facto* complainant is recorded.



10. 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. 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



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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.”

11. Keeping in view the aforesaid decision of the Hon’ble Supreme Court and considering the fact that the dispute that existed between the appellant/accused and P.W.1/*de facto* complainant has been completely settled and now, P.W.1/*de facto* complainant is seeking the permission of this Court to withdraw the complaint which she lodged against the appellant/accused, I am of the opinion that this is a fit case to acquit the appellant/accused from all charges. Hence, this Court is inclined to allow this Criminal Appeal by setting aside the judgment of the Trial Court.



12. Accordingly, this Criminal Appeal is allowed and Judgment dated 13.08.2025 in S.C.No.142 of 2015 passed by the learned Sessions Judge, Magila Court (Fast Track Magila Court), Vellore is set aside. Consequently, appellant/accused is acquitted of all charges. Fine amount, if any, paid shall be refunded to appellant/accused. Bail bond(s), if any, executed by appellant/accused shall stand cancelled.

13. Considering the fact that the victim is a mentally retarded woman who suffered mental agony all these years and she has not yet been awarded any compensation by the Tamil Nadu Government, this Court is of the opinion that the victim woman is entitled to get compensation of Rs.1 Lakh from the Tamil Nadu Government. Hence, this Court awards a sum of Rs.1,00,000/- (Rupees One Lakh only) as compensation to the victim.

14. As regards the disbursement of compensation to the victim, the District Legal Services Authority, Vellore shall refer the matter to District Collector, Vellore for taking appropriate action to disburse the compensation now awarded by this Court to the victim, within a period of twelve weeks from the date of receipt of a copy of this order.



15. It is made clear that on disbursement of aforesaid compensation, P.W.1/*de facto* complainant (daughter of the victim) shall deposit the compensation amount in the name of victim, in any one of the Nationalized Banks and the interest accrued thereon shall be utilized by P.W.1/*de facto* complainant (daughter of the victim) for the medical expenses of the victim.

16. This Criminal Appeal shall stand disposed of with the above observation.

18.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The Sessions Judge,
Magila Court (Fast Track Magila Court), Vellore.

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

3.The Superintendent,
Central Prison, Vellore.

4.The District Legal Services Authority, Vellore.

5.The Public Prosecutor,
High Court, Madras.

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T.V.THAMILSELVI, J.

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