



CrI.O.P.No.34401 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.34401 of 2025
and
CrI.M.P.No.24110 of 2025

K.Arul

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
All Women Police Station,
Dharmapuri District.
(Crime No.30 of 2023)

2. Inthumathi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records pertaining to Slp.S.C.No.148 of 2025, pending on the file of the Special Court for Exclusive trial of Cases under POCSO Act, Dharmapuri and to quash the same.

For Petitioner : Mr.K.Muruganandham

For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)

For R2 : Mr.T.Meganathan



ORDER

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The present Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.148 of 2025, on the file of the Special Court for Exclusive trial of Cases under POCSO Act, Dharmapuri, on the basis of the compromise arrived at between the petitioner and the *de facto* complainant/second respondent.

2. Heard both sides and perused the materials available on record.

3. Based on the complaint given by the *de facto* complainant/R2, a case in Crime No.30 of 2023 was registered on the file of the first respondent Police against the petitioner, for the offences under Section 9 of the Prohibition of Child Marriage Act, 2006, and Sections 5(j) (ii), 5(l) r/w. 6 of the Protection of Children from Sexual Offences Act, 2012. After completion of investigation, a charge sheet was filed and taken cognizance of as aforesaid.

4. Learned counsel appearing for the petitioner as well as for the *de facto complainant* submitted that the matter arises out of a matrimonial dispute and that on the advice of elders, the parties have now amicably

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settled the issue among themselves. Hence, they seek to quash the proceedings pending against the petitioner. Affidavits and a Joint Compromise Memo to that effect have also been filed.

5. The petitioner and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Ms.P.Saroja, WHC-1475, All Women Police Station, Dharmapuri.

6. On being enquired by this Court, the *de facto* complainant stated that she has amicably settled the dispute with the petitioner and she is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

7. Learned Government Advocate (Criminal Side) appearing on behalf of the first respondent submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offences, has to consider the issue as to whether offences of this nature can be quashed on the ground of compromise between parties.

8. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-



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compoundable offences pending against the petitioner. The Hon'ble Supreme Court, in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat*, reported in (2017) 9 SCC 641, has given sufficient guidelines that must be taken into consideration by this Court while exercising its jurisdiction under Section 482 of Cr.P.C. (corresponding to Section 528 BNSS), to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine if the crime in question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with overriding public interest even if they get settled between the parties, cannot be quashed by this Court.

9. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner and the second respondent and quashing the proceedings will not affect any overriding public interest in this case and no useful purpose will be served in continuing with the criminal proceedings. In view of the above, this Court is inclined to quash the proceedings pending against the petitioner in Spl.S.C.No.148 of 2025 on the file of the Special Court for Exclusive trial of Cases under POCSO Act, Dharmapuri, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.



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10. Accordingly, this Criminal Original Petition stands allowed and the proceedings in Spl.S.C.No.148 of 2025 pending on the file of the Special Court for Exclusive trial of Cases under POCSO Act, Dharmapuri, is quashed as against the petitioner. Consequently, the connected Criminal Miscellaneous Petition is closed.

11. The affidavits and the Joint Memo of Compromise filed by the petitioner and the second respondent for compromising the offences shall form part of the records.

17.12.2025

srm

Neutral Citation: Yes/No

To

1. The Special Court for Exclusive trial of Cases under POCSO Act, Dharmapuri.
2. The Inspector of Police,
All Women Police Station,
Dharmapuri District.
3. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

SRM

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