



Crl.O.P.(MD)No.612 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.612 of 2025

Venkatraman

... Petitioner

Vs.

1.The State of Tamil nadu,
rep., by The Inspector of Police,
AWPS Manaparai,
Trichy District.
Crime No.44 of 2024

2.Kokila

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the entire records pertaining to the case in Crime No.44 of
2024 on the file of the first respondent police and quash the same.

For Petitioners : Mr.M.Pitchai Muthu

For R1 : Mr.K.Sanjai Gandhi
Government Advocate(Crl.Side)

For R2 : Mr.Shajahan Raj



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.44 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that when the second respondent/victim was studying 9th standard, she and the petitioner were in love and by force the petitioner had physical relationship with her and on 02.09.2021 the petitioner forcibly tie thali on her. When their relation came to the knowledge of the second respondent's parents, they advised her. Thereafter, the second respondent avoided the petitioner. Hence, the petitioner threatened the second respondent and her parents. Hence, the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.44 of 2024, dated



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12.11.2024 for the offence under Section 366 of IPC, Sections 5(1) and 6(1) of TN Prohibition of Child from Sexual Offences Act and Section 9 of TN Prohibition of Child Marriage Act, 2006.

4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise, dated 20.01.2025, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Ms.T.Geetha, Manapparai Police Station, as well as by the learned counsels appearing for the parties. This Court interacted both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. The mother of victim, who present before this Court made her objection stating that right from the young age, the victim was subjected



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to sexual assault by the petitioner. As a mother, she had objection to quash the complaint against the petitioner.

7. This Court enquired with the victim and she confirmed that she attained majority, which is not in dispute and further submitted that both the petitioner and the second respondent got married on 24.01.2025 and the same was registered before Sub Registrar Office, Sendurai and they are living happily as husband and wife and she had intended to withdraw the complaint against the petitioner. She has also filed an affidavit. The relevant portion of the affidavit reads as follows:

“i am a major and during the course of investigation, we have solemnized our marriage on 19.01.2025 at the Unaiyur Neeliamman Temple, Marungapuri Taluk, Trichy District. Hence, I have no objection in allowing the present quash petition.

In view of the above, I have no objection through the joint compromise memo for quashing the entire proceedings as mentioned above. Hence, I have no objection in allowing the present quash petition. This decision has been made purely on my own and there is



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no undue pressure or coercion inflicted upon me.....”.

8. It is settled by law that the the High Court has power to quash the complaint for the offences under Sections 366 of IPC, Sections 5(1) and 6(1) of TN Prohibition of Child from Sexual Offences Act and Section 9 of TN Prohibition of Child Marriage Act, 2006, when the parties have settled their dispute between themselves. However, while quashing the proceedings, based on the settlement arrived at between the parties, the High Court should act with caution and the power should be exercised sparingly only in order to secure the ends of justice and also to prevent abuse of process of any Court.

9. Further, the Hon'ble Apex Court in the case of ***K.Dhandapani Vs. The State by the Inspector of Police*** reported in ***2022 SCC Online SC 1056***, has held as follows:

“In the peculiar facts and circumstances of this case, we are of the considered view that the conviction and sentence of the appellant who is maternal uncle of the prosecutrix deserves to be set aside in view of the



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subsequent events that have been brought to the notice of this Court. This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix. We have been informed about the custom in Tamilnadu of the marriage of a girl with the maternal uncle”.

10. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in **(2012) 10 SCC 303** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in **(2017) 9 SCC 641** were taken into consideration.

11. Keeping the above principles in mind, let us now consider the instant case as to whether it is a fit case to quash the criminal proceedings based on the settlement arrived at between the parties.

12. In the case at hand, though the petitioner is charged with for the offences punishable under Section 366 of IPC, Sections 5(1) and 6(1) of TN Prohibition of Child from Sexual Offences Act and Section 9 of TN Prohibition of Child Marriage Act, 2006, now, the petitioner and the



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victim have amicably resolved the dispute between themselves. The victim filed an affidavit stating that she has married the petitioner and she is living happily as husband and wife. The petitioner and victim appeared in person, confirmed their marriage and living happily as husband and wife. The second respondent, mother of the victim, not agreeable to this, but now the victim attained majority and decided to live with the petitioner as husband and wife. In view of the compromise between the parties, the continuity of the criminal proceedings would only cause oppression and prejudice to the parties, hence, in order to secure the ends of justice, this Court is inclined to quash the criminal proceedings.

13. Accordingly, this Criminal Original Petition is allowed and FIR in Crime No.44 of 2024 pending on the file of the first respondent police is quashed and the terms of joint compromise memo and affidavit filed by the victim shall form part and parcel of this order.

30.01.2025

NCC : Yes / No
Index : Yes / No
Rmk



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- To
- 1.The Inspector of Police,
AWPS Manaparai,
Trichy District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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