



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.2845 of 2024

and

Crl.M.P.(MD)Nos.2222 and 2224 of 2024

1.Kalaivanan

2.Barasakthi

3.Eswaran

4.Guruvuthay @ Guruvammal

5.Sarasvathi @ Saroja

6.Kaleeswari @ Easwari

7.Jeyamani @ Rajamani

... Petitioners

-Vs-

1.The Inspector of Police,
Chinnamanur Police Station,
Theni District.
(In Crime No.110 of 2023)

2.The Member,
Child Welfare Committee,
Theni.

3.Karthika

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records pertaining to the above
charge sheet in C.C.No.30 of 2023 dated 03.04.2021 on the file of the
learned Judicial Magistrate (FTC), Uthamapalaiyam, Theni and quash the
same.



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Crl.O.P.(MD)No.2845 of 2024



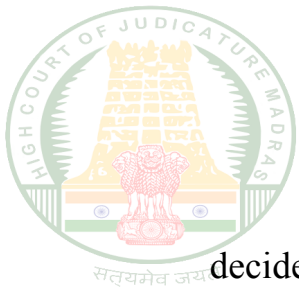
For Petitioners : Mr.B.Isac Camilus
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)
For R3 : Mr.L.Siva

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.30 of 2023 on the file of the learned Judicial Magistrate (FTC), Uthamapalaiyam, Theni.

2.The case of the prosecution is that based on an information from the Child Helpline regarding the child marriage at the petitioners' village, the Child Welfare Officers visited the place and on confirming that child marriage was arranged, registered the case against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent in Crime No.110 of 22023 and after investigation, final report was filed and the same was taken cognizance in C.C.No.30 of 2023 on the file of the learned Judicial Magistrate (FTC), Uthamapalaiyam, Theni for the offences under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 against the petitioners.



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4.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise is filed before this Court signed by the petitioners and the victim and their respective counsels. The petitioners and the victim are present before this Court and identified by Ms.S.Selvamari, SSI of Police, Chinnamanur Police Station, Theni, as well as by the learned counsel appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own without any compulsion.

6. In the instant case, the petitioners have arranged the marriage for the minor girl. Now the victim attained majority and the marriage was solemnized and the victim and her husband are living happily. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.



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7. 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.

8. In the light of the guidelines issued in the above said judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in C.C.No.30 of 2023 on the file of the learned Judicial Magistrate (FTC), Uthamapalaiyam, Theni as against the petitioners, even though, the offences involved are not compoundable in nature.

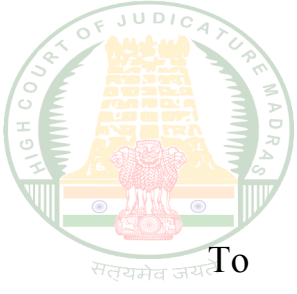
9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.30 of 2023 on the file of the learned Judicial Magistrate (FTC), Uthamapalaiyam, Theni is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

29.01.2025

Index : Yes/No

Internet : Yes/No

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To

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- 1.The Judicial Magistrate (FTC),
Uthamapalaiyam, Theni.
- 2.The Inspector of Police,
Chinnamanur Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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