

Crl.O.P.(MD)No.1360 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1360 of 2025

S.Prasath

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar.
(Crime No.190 of 2022).

2. S.Dhanalakshmi

3.XXX

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records and quash the First Information Report in Crime No.190/2022 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.N.Revanthkumar

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

M/s. Venkatesh (R2,R3)



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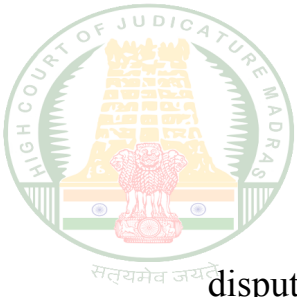
ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.190 of 2022 on the file of the first respondent Police.

2. The case of the prosecution is that on 24.05.2022, the minor daughter/3rd respondent of the 2nd respondent was found missing. On enquiry, the petitioner and the 3rd respondent loved each other and they got married each other.

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.190 of 2022, for the offences under Sections 9 of Child Marriage Act r/w 5(I), 5(J-II), 6 of POCSO Act against the petitioner.

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



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dispute amicably among themselves.

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5. A Joint Memo of Compromise, dated 24.01.2025, has been filed before this Court, which has been signed by the petitioner and the respondents 2 and 3 and also by their respective counsel. The petitioners and the respondents 2 and 3 were also present in person before this Court and they were identified by Mr.M.Selvam, SSI of Police, Sivakasi Town Police Station, Virudhunagar District as well as by the learned counsels appearing for the parties. This Court also enquired all the parties and was satisfied that the parties have come to an amicable settlement between themselves and the petitioner and the victim had got married and a child was born to them.

6. In the instant case, the dispute is of personal in nature and now the parties had compromised and the petitioner and the victim had got married. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 9 of Child Marriage Act r/w 5(I), 5(J-II), 6 of POCSO Act.



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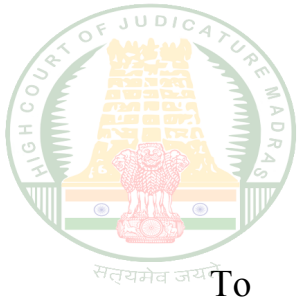
7. The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab and another* reported in *(2012)10 SCC 303* and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* reported in *(2017) 9 SCC 641* were taken into consideration.

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 Crime No.190 of 2022, pending before the first respondent Police, even though, the offence involved is not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.190 of 2022, on the file of the first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order.

28.01.2025

NCC : Yes / No
Index : Yes / No
PNM



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WEB COPY To
1.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar.
Crime No. 190 of 2022.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

PNM

Order in
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