



Crl.O.P.(MD)No.1880 of 2025

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.1880 of 2025

Raman

... Petitioner

Vs.

1.State of Tamil nadu through
The Inspector of Police,
All Women Police Station,
Kumbakonam, Thanjavur District.
Crime No.2 of 2019

2.Asha

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the charge sheet in Spl.S.C.No.20 of 2020 on the file of the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur and quash the same.

For Petitioner : Mr.E.Balasubramanian

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

For R2 : Mr.T.SAthiyanathan



Crl.O.P.(MD)No.1880 of 2025

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.20 of 2020 on the file of the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.

2. The case of the prosecution is that the petitioner on promise to marry the defacto complainant, had sexual relationship by force with the defacto complainant and thereby, she got pregnant. Hence the case.

3. The learned counsel appearing for the petitioner as well as the learned counsel appearing for the second respondent submitted that now, the petitioner and the second respondent have settled the dispute between themselves amicably and the second respondent is not willing to proceed further with the criminal case against the petitioner.

4. Today, when the matter was taken up for hearing a joint Memo of Compromise filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent present before this Court, identified by the first



Crl.O.P.(MD)No.1880 of 2025

respondent police, as well as by the learned counsels 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 voluntarily without any compulsion.

5. When this Court interacted with the second respondent, she confirms she married the petitioner and both are living as husband and wife happily and she is not willing to pursue the criminal proceedings against the petitioner.

6. The case has been registered for offences under Sections 6, 5(j) (ii) and 5(l) of POCSO Act. It is settled law that the High Court has inherent power under Section 482 of the Code of Criminal Procedure to quash the criminal proceedings even for the offences which are not compoundable under Section 320 of the Code of Criminal Procedure, where the parties have settled their dispute between themselves. However, while quashing the criminal 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



Crl.O.P.(MD)No.1880 of 2025

secure the ends of justice and also to prevent abuse of process of any Court.

7. 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 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”.

8. 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)***



Crl.O.P.(MD)No.1880 of 2025

10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*

WEB COPY

reported in **(2017) 9 SCC 641** were taken into consideration.

9. 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.

10. In the case at hand, though the petitioner is charged with for the offences punishable under Sections 6, 5(j)(ii) and 5(l) of POCSO Act, now, the petitioner and the second respondent have amicably settled their dispute between themselves. In this regard, the second respondent has also filed an affidavit. In view of the compromise between the parties, the possibility of conviction is also remote and bleak. In the above circumstances, 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.

11. Accordingly, this Criminal Original Petition is allowed and the criminal proceedings initiated against the petitioner in Spl.S.C. No.20 of



Crl.O.P.(MD)No.1880 of 2025

WEB COPY

2020 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, is quashed and the terms of joint compromise memo and affidavit filed by the second respondent shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
Rmk

30.01.2025

To

- 1.The Principal Special Court for Exclusive Trial
of Cases under POCSO Act, Thanjavur.
- 2.The Inspector of Police,
All Women Police Station, Kumbakonam, Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1880 of 2025

M.NIRMAL KUMAR, J.

Rmk

Crl.O.P.(MD)No.1880 of 2025

30.01.2025