



Crl.O.P.(MD)No.1571of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1.Boopathi
2.Thathannayackar
3.Pomman @ Bommanayackar ... Petitioners

Vs.

1.State of Tamil nadu through
The Inspector of Police,
All Women Police Station,
Vadamadurai, Dindigul District.
Crime No.7 of 2021

2.Poonkodi
3.xxxx ... 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. 115 of 2023 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul and quash the same.

For Petitioners : Mr.V.Karuna

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



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For R : Mr.G.Manikandan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.115 of 2023 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul.

2. The case of the prosecution is that the defacto complainant lodged complaint based on the secret information stating that a marriage was performed between the first petitioner and the third respondent/victim by the petitioners 2 and 3. At the time of marriage, the victim was minor. Hence, the complaint.

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



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4. Today, when the matter was taken up for hearing a joint Memo of Compromise filed before this Court signed by the petitioners and the third respondent's mother and their respective counsels. The petitioners and the third respondent and her mother present before this Court, identified by Ms.A.Regina Mary, SSI of Police, Vadamadurai, Dindigul District, 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 third respondent, she confirms that she married the first petitioner and both are living as husband and wife happily along with their female child. The marriage between them was solemnised as per family tradition and the same was accepted by the their family members. The first petitioner is the only bread winner of the family and hence the third respondent also intends not to pursue the criminal proceedings against the petitioners.



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6. The case has been registered for offences under Section 450 of IPC and Sections 5(l), 5(n), 59j)(ii) and 6 of POCSO Act and Sections 11 and 9 of Prohibition of Child Marriage 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 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



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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) 10 SCC 303** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** 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 Section 450 of IPC and Sections 5(l), 5(n),



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59j)(ii) and 6 of POCSO Act and Sections 11 and 9 of Prohibition of Child Marriage Act, now, the petitioners and the third respondent have amicably settled their dispute between themselves. In this regard, the third respondent has also filed an affidavit through her mother. 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 petitioners in Spl.S.C. No.115 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, is quashed and the terms of joint compromise memo and affidavit filed by the third respondent shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
Rmk

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



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M.NIRMAL KUMAR, J.

Rmk

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