

Crl.O.P.(MD)No.1953 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1953 of 2025

A.Anandh

... Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Dindigul Rural.

2.XXXXXX

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to the impugned charge sheet in Spl.S.C.No. 139 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Cases, Dindigul and quash the same.

For Petitioner : Mr.R.S.Sivaram

For R1 : Mr.K.Sanjai Gandhi
Government Advocate

For R2 : M/s.M.Sangavi



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in SPL.S.C.No.139 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Cases, Dindigul.

2.The case of the prosecution is that the second respondent, minor girl and the petitioner loved each other and they had sexual relationship, due to which the second respondent became pregnant and begot a boy baby. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.8 of 2024 and after investigation, final report was filed and the same was taken cognizance in SPL.S.C.No.139 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Cases, Dindigul for the offences under Section 366 IPC and Sections 5(j)(ii), 5(l) r/w 6 of the Protection of Child from Sexual Offences Act against the petitioner.



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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 the second respondent agrees to withdraw the complaint.

5.A Joint Memo of Compromise is filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second and third respondents are present before this Court and identified by M/s.Babyshakila, WSSI of Police, Rural All Women Police Station, Shanarpatti, Dindigul District, as well as by the learned counsel appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own without any compulsion.

6.In the instant case, after the registration of FIR, the petitioner and the second respondent got married and are living together and they have blessed with a boy child in the year 2024. 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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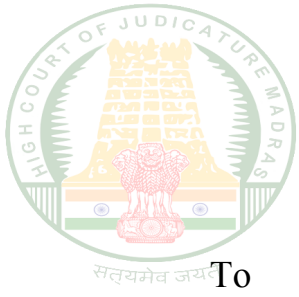
7.The legal position expressed by the Hon'ble Apex Court in the case of *K.Dhandapani Vs. State by the Inspector of Police* reported in **2022 SCC Online SC 1056** is taken into consideration.

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 SPL.S.C.No.139 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Cases, Dindigul even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the proceedings in SPL.S.C.No.139 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Cases, Dindigul is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
gns

31.01.2025



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To

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



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M.NIRMAL KUMAR, J.

gns

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