

Crl.O.P.(MD)No.2009 of 2025

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.2009 of 2025

Paranthaman

... Petitioner

Vs

1. State Rep. by
The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
(Crime No.22 of 2023)

2. Rukmani

3. Xxxxx

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
To call for the records and quash the charge sheet filed against the
petitioner in Spl. C.C.No. 110/2024 on the file of Sessions Judge, Special
Court for POCSO Act cases, Tirunelveli in respect of Crime No.22/2023
on the file of the 1st respondent Police.

For Petitioner : M/s.N.Vignesh

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

For Respondents 2, 3 : Mr.Azhagesh



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in Spl. C.C.No. 110 of 2024 on the file of the learned Sessions Judge, Special Court for POCSO Act cases, Tirunelveli.

2. The case of the prosecution is that the petitioner had married the third respondent/minor victim girl on 09.12.2023, had physical relationship with her. Hence the case has been registered based on the complaint given by the second respondent, who is the mother of the victim. Based on the complaint of the 2nd respondent, a case in Cr.No.22 of 2023 has been registered on the file of 1st respondent police. After completion of investigation, final report has been filed before the concerned Court and the same was taken on file as Spl.C.C.No.110 of 2024 on the file of learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

3. The learned counsel appearing for the petitioner as well as the learned counsel appearing for the second and third respondents submitted that now, the petitioner and the third respondent/victim have settled the dispute between themselves amicably and the respondents 2 and



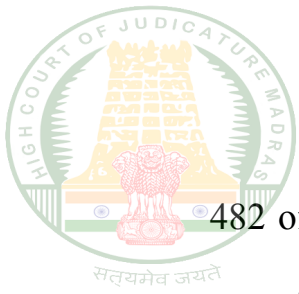
3 are not willing to proceed further with the criminal case.

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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 petitioner and the respondents 2 and 3 and their respective counsels. The petitioner and the respondents 2 and 3 present before this Court, identified by Ms.M.Muthuselvi, All Women Police Station, Ambasamudram, Tirunelveli 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. It is stated in the affidavit that both the petitioner and the third respondent got married and they are living happily as husband and wife and a child was born to them. The 2nd respondent intended to withdraw the complaint against the petitioner.

6. The case has been registered for offences under Section under Sections 11(4), 12 of POCSO Act and Section 9 of Child Marriage Act. It is settled law that the High Court has inherent power under Section



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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 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



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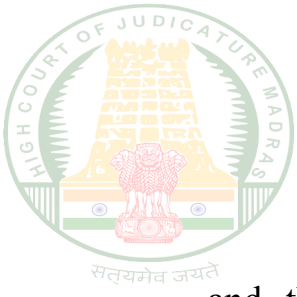


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custom in Tamilnadu of the marriage of a girl with the maternal uncle”.

8. 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.

9. In the case at hand, though the petitioner is charged with for the offences punishable under Sections 11(4), 12 of POCSO Act and Section 9 of Child Marriage Act, now, the petitioner and the third respondent/victim have amicably settled their dispute between themselves. The respondents 2 and 3 have also filed an affidavit stating that the third respondent has married the petitioner and they have a child. 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.



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10. Accordingly, this Criminal Original Petition is allowed

and the criminal proceedings initiated against the petitioner in Spl. C.C.No. 110 of 2024 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, is quashed and the terms of joint compromise memo and affidavit filed by the respondents 2 and 3 shall form part and parcel of this order.

31.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PNM

To

1.The Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli

2. The Inspector of Police,
All Women Police Station,
Ambasamudram, Tirunelveli District.

3.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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