



Crl.O.P.(MD)No.2363 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.02.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.2363 of 2025

Marimuthu

... Petitioner/Sole Accused

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
AWPS, Kadambur Police Station,
Thoothukudi District.
(Crime No.9 of 2021)

...Respondent/Complainant

2.Senthoorammal,
Rural Welfare Officer,
Panchayat Union Office,
Kayathar Taluk,
Thoothukudi District.

...Respondent/Defacto complainant

3.xxxxxx,
xxxxxx,
xxxxxx,
Tirunelveli District.

...Respondent/Victim

PRAYER: Criminal Original Petition has been filed under Section 528 of BNSS, to call for the records pertaining to the Impugned Charge Sheet in Spl.S.C.No.25 of 2024 on the file of the Special Court for exclusive Trial of cases under POCSO Act, Thoothukudi, in Crime No.9 of 2021, dated 11.12.2021, U/s. 9 of Prohibition of Child Marriage Act, 2006 and Section 5(i), 5(j) (ii) & 6 of POCSO Act, 2012 and Section 363 of IPC on the file of the respondent No.1, and quash the same as illegal.



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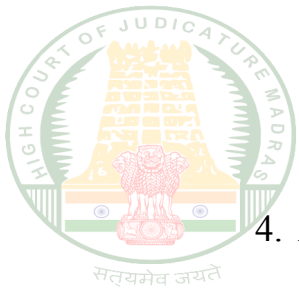
For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.M.Sakthi Kumar
Government Advocate(Crl.side) for R1
Mr.N.Arjunkumar for R2

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in Spl.C.C.No.25 of 2024, before the Special Court for exclusive trial of cases under POSCO Act Cases, Thoothukudi.

2.When the matter is taken up for hearing today, the learned Counsel appearing on either side and victim also present. Both the victim and the accused filed joint compromise memo stating that the petitioner and the victim got married and they have child. They are now living together as husband and wife and the victim has no objection to quash the charge sheet.

3.Today both the parties present and this Court also enquired the victim as well as the accused and both stated that they are living as husband and wife along with the child. Therefore it is appropriate to allow the petition based on the compromise arrived at between the parties.

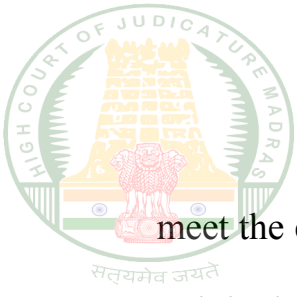


4. At this juncture, it is relevant to refer the judgement of the Hon'ble Supreme Court in the case of ***K.Dhandapani Vs. The State by the Inspector of Police*** reported in ***2022 SCC Online SC 1056***, has held as follows:

“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”.

5.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.

6.In view of the above said judgments and the fact that the petitioner and the victim are living together as husband and wife along with their child after marriage and though charges are grave in nature, considering the relationship between the parties and the amicable settlement between themselves this Court is of the view that the compromise is to be accepted. Therefore, in order to



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meet the ends of justice by invoking inherent power of this Court, this Criminal Original Petition stands allowed and the pending proceedings against the petitioner in Spl.C.C.No.25 of 2024 on the file of the Special Court for exclusive Trial of cases under POCSO Act, Thoothukudi, is hereby quashed.

17.02.2025

Internet:Yes/No

Index:Yes/No

RJR

To

1.The learned Judge,
The Special Court for exclusive Trial of cases under POCSO Act,
Thoothukudi,

2.The Inspector of Police,
AWPS, Kadambur Police Station,
Thoothukudi District.

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



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P.DHANABAL, J.

RJR

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