



CRL.OP(MD) NO.2879 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.2879 of 2025
and Crl.M.P(MD) No.1922 and 1924 of 2025

1. V.Bhoopathi Sankar
2. Vetrivel
3. Sendhurammal
4. Ambika

... Petitioners

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
AWPS Kodaikanal Police Station,
Dindigul District.
Crime No.11/2024.

2. The Extension Officer,
Panchayat Union,
Kodaikanal, Dindigul District.

3. Xxxxxx

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records in connection with in Spl.S.C. No.151 of 2024 pending before the Special Court for Exclusive Trial of Cases under the POCSO Act, Dindigul



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against the petitioners and quash the same.

For petitioners : Mr.P.Deepak

For Respondent 1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl side)

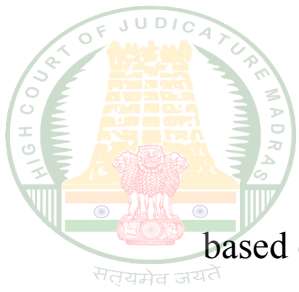
For R2 : Ms.S.Meena

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in Spl.S.C. No.151 of 2024 before the Special Court for Exclusive Trial of Cases under the POCSO Act, Dindigul.

2. When the matter is taken up for hearing today, the learned counsel appearing on either side would submit that both the victim and the accused persons filed joint compromise memo stating that the first petitioner and the victim got married and they are having a child. The victim is now attained majority and 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 have stated that they are living as husband and wife. Therefore it is appropriate to allow the petition



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based on the compromise arrived at between the parties.

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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.



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6. In view of the above said judgments and the fact that the

first petitioner and the victim are living together as husband and wife 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 meet the ends of justice by invoking inherent power of this Court, this Criminal Original Petition stands allowed and the pending proceedings against the accused persons in Spl.S.C. No.151 of 2024 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act, Dindigul is hereby quashed. Consequently, connected miscellaneous petitions are closed.

12.03.2025

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

To

1.The Sessions Judge,
Special Court for Exclusive Trial of Cases
under the POCSO Act, Dindigul

2. The Inspector of Police,
AWPS Kodaikanal Police Station,
Dindigul District. Crime No.11/2024.

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



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P.DHANABAL,J

PNM

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