



CrI.O.P.(MD)No.2684 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

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CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.(MD)No.2684 of 2025

Siva

.. Petitioner/Accused.

Vs.

1.The State of Tamil Nadu
rep.by the Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.48/2024)

...Respondent/Complainant.

2.Amsavalli

...2nd Respondent/De-facto Complainant.

3.XXXXXX

XXXXXX

XXXXXX

XXXXXX

Dindigul District

.. 3rd Respondent/Victim Girl.

Prayer: Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the First Information Report in SPL SC.No. 08/2025 on the file of the Fast Track Mahila Court - Dindigul and quash the same.



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For Petitioner : Mr.S.Arun

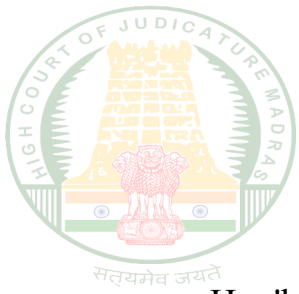
For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

For RR2 & 3 : Mr.B.Vinoth Kumar

ORDER

This Criminal Original Petition has been filed to call for the records relating to the First Information Report in SPL SC.No.08/2025 on the file of the Fast Track Mahila Court - Dindigul and quash the same in so far as the petition is concerned.

2. When the matter is taken up for hearing today, the victim girl, the de-facto complainant and the petitioner are present along with their respective counsels and they filed a Joint Compromise Memo stating that the victim girl married the petitioner and they got a male child, therefore, they entered into a Joint Compromise Memo. This Court also enquired the victim girl as well as the de-facto complainant who is the mother of the victim girl and they stated about the terms of the compromise and now the victim girl and the petitioner are living as husband and wife. Therefore, this Court is of the opinion that it is appropriate to accept the compromise and to pass orders by quashing the SPL SC.No.08/2025 on the file of the Fast Track Mahila Court - Dindigul.

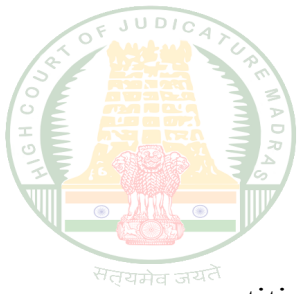


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3. At this juncture, it is relevant to refer the judgement of the Hon'ble Supreme Court in the case of ***K.Dhandapani Vs. The State by the Inspector of Police*** reported in ***2022 SCC Online SC 1056***, has held as follows:

“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”.

4.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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5. 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 male 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 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 SC.No.08/2025 on the file of the Fast Track Mahila Court - Dindigul is hereby quashed. Accordingly, this Criminal Original Petition stands allowed.

13.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
nst

To

1. The Fast Track Mahila Court - Dindigul.

2. The Inspector of Police
Natham Police Station,
Dindigul District.

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



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P.DHANABAL,J.

nst

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