



Crl.O.P.(MD)No. 6119 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.04.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD) No.6119 of 2025
and Crl.M.P(MD).No.4449 of 2025

1.Rajesh

2.Ganesan

3.Thangammal

4.Manimuthu

5.Salatchi

... Petitioners

Vs.

1.State of Tamil Nadu
rep., by the Inspector of Police,
All Women Police Station, Melur,
Madurai District.
Crime No.26 of 2022

2.Pandiselvi

3.Swathi Ganeshan

...Respondents

(R3 is impleaded vide Court order dated 09.04.2025 in Crl.M.P(MD).No. 4980 of 2025 in Crl.O.P(MD).No.6119 of 2025)

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the impugned FIR in Crime No.26 of 2022 dated 03.10.2022 on the file of the first respondent police and quash the same.



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For Petitioner : Mr.S.Anwar Sameem
For R1 : Mr.M.Karunanithi
Government Advocate (Crl.side)
For R2 & R3 : Mr.Prabhakaran

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.26 of 2022 dated 03.10.2022 on the file of the first respondent police.

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 first petitioner and the victim got married and they have two children. The victim is aged about 20 years 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 the first petitioner and the victim stated that they are living as husband and wife along with their children. 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 first petitioner and the victim are living together as husband and wife along with



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their children 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 FIR in Crime No.26 of 2022 dated 03.10.2022 on the file of the first respondent police is hereby quashed. Consequently connected miscellaneous petitions stand closed.

09.04.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

Rmk

To

1.The Inspector of Police,
All Women Police Station, Melur,
Madurai District.

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



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P. DHANABAL, J.

Rmk

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