



Crl.O.P(MD)No.6746 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.6746 of 2025

Venuprasath

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
All Women Police Station,
Tenkasi District.
Crime No.19/2022.

2. Xxxxxx

... Respondents

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 SC No.181 of 2025 on the file of the Principal District Court, Tenkasi and to Quash the same as illegal.

For Petitioner : Mr. T.Chandrasekaran

For Respondents : Mr.M.Vaikkam Karunanithi(R1)
Government Advocate (Crl.Side)

Ms.M. Rathi Yamuna (R2)



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ORDER

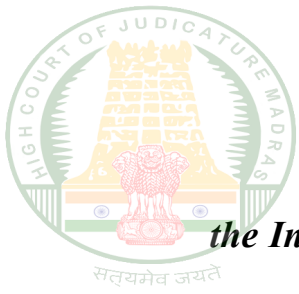
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This Criminal Original Petition has been filed to quash the charge sheet in Spl.S.C.No.181 of 2025 before the Principal District Court, Tenkasi for the offence under Sections 6, 5(l), 5(j)(ii) of POCSO Act.

2. When the matter is taken up for hearing today, the learned counsel appearing on either side would submit that both the victim/2nd respondent and the petitioner have filed a joint compromise memo stating that the petitioner and the victim got married 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 petitioner and both have stated that they are living as husband and wife. 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***



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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 and



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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 petitioners in Spl.S.C.No.181 of 2025 on the file of the Principal District Court, Tenkasi is hereby quashed, insofar as the petitioner is concerned.

24.04.2025

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

To

1. The Principal District Judge, Tenkasi

2.The Inspector of Police,
All Women Police Station,
Tenkasi District.

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



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P. DHANABAL, J.

PNM

ORDER IN
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