



Crl.O.P.(MD)No. 6600 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.6600 of 2025

1.Kaviprasath

2.Paulraj

3.Kanagalakshmi

4.Vallinayagam

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
All Woman Police Station,
Palani, Dindigul District.
Crime No.25 of 2024

2.Muthumari

3.xxxx

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the charge sheet in Spl.S.C.No.148 of 2024 on the file of the Fast Track Mahila Court, Dindigul, and quash the same as illegal.

For Petitioner	: Mr.N.Adithya Vijayalayan
For R1	: Mr.M.Vaikkam Karunanithi
	Government Advocate (Crl. Side)



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For R3 : Mr.T.Lenin Kumar

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in Spl.S.C.No.148 of 2024 before the Fast Track Mahila Court, Dindigul.

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/third respondent got married and they have a male child. The victim now attained majority as her date of birth is 12.03.2007 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 persons and both the victim and the first petitioner 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.



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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 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 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.148 of 2024 on the file of the Fast Track Mahila Court, Dindigul, is hereby quashed.

09.04.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

Rmk

To

1.The Judge, Fast Track Mahila Court, Dindigul.

2.The Inspector of Police,
All Woman Police Station,
Palani, Dindigul 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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