



CrI.O.P.(MD)Nos.6929 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2025

CORAM:

THE HONOURABLE **MR.JUSTICE P.DHANABAL**

CrI.O.P.(MD)No.6929 of 2025

Bharathiraja

... Petitioner

Vs.

1. The State of Tamil Nadu,
The Inspector of Police,
All Women Police Station,
Dindigul Rural,
Dindigul District.
(Crime No.1 of 2024)

2. S.Kavitha

... Respondents 1&2 / Defacto
complainant

3. xxxxxxxxxx
Dindigul

... Respondent No.3 / victim

PRAYER : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records relating to the impugned proceedings in Spl.S.C.No.95 of 2024 on the file of Fast Track Mahila Court, Dindigul for offences under Section 363 of IPC and 5(1) and 6 of POCSO



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Act, 2012 in Crime No.1 of 2024 on the file of the first respondent police and quash the same by allowing this criminal original petition.

For Petitioner : Mr.A.Aruljenifer
For Respondents : Mr.M.Vaikkam Karunanithi (R1)
Government Advocate
Mr.M.Anbarasan (R2 & R3)

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in Spl.S.C.No.95 of 2024 on the file of 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 petitioner and the victim got married. The victim is aged about 18 years and they are now living together as husband and wife and the victim has no objection to quash the charge sheet.



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WEB COPY 3. Today both the parties present and this Court also enquired the victim as well as the accused and both 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 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”.



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WEB COPY 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** was 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 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.S.C.No.95 of 2024 on the file of Fast Track Mahila Court, Dindigul is hereby quashed.

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Neutral Citation: Yes / No
Index : Yes / No
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TO:-

1. The Fast Track Mahila Court, Dindigul.
2. The Inspector of Police,
All Women Police Station,
Dindigul Rural,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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Order made in
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