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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 21.07.2025

CORAM :

**THE HON`BLE MR.JUSTICE B.PUGALENDHI**

Crl.OP(MD)No.9863 of 2025

1.Yuvaraj
2.Kasthuri
3.Arumugam
4.Thilagavathi ... Petitioners

Vs

1.The State of Tamilnadu,
Rep by its the Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.
Crime No.27/2024.

2.Thamilarasi ...Respondents

**Prayer :** Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the proceedings in Spl SC No. 9/2025 on the file of the learned Special Court for Exclusive Trial of POCSO Act cases, Dindigul and quash the same as against the petitioners.



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For Petitioner : Mr.M.Jegadeesh Pandian,
For R1 : Mr.A.S.Abul Kalaam Azad
Government Advocate(Crl.side)
For R2 : Mr.G.Sujeeth

**O R D E R**

The petitioners are accused in Spl.SC No.9 of 2025, on the file of the Special Court for Exclusive Trial of POCSO Act cases, Dindigul, for the offence under Sections 9 and 11 of Prohibition of Child Marriage Act, 2006 and Sections 5(n), 5(I), 5(j)(ii), 6 and 17 of Protection of Child from Sexual Offences Act, 2012. They have moved this petition to quash the above proceedings pending against them, on the ground that the issue has been amicably settled with the defacto complainant.

2. The case has been registered for the offence under Sections 9 and 11 of Prohibition of Child Marriage Act, 2006 and Sections 5(n), 5(I), 5(j)(ii), 6 and 17 of Protection of Child from Sexual Offences Act, 2012 and all the offences are not compoundable. However, the Hon'ble Supreme Court, in ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** [***2017 9 SCC 641***] and in ***The State of Madhya Pradesh Vs. Dhruv Gurjar and Another*** [***(2019) 2 MLJ***



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***Crl 10***], has given sufficient guidelines that must be taken into consideration by the Court while exercising its jurisdiction under Section 528 of BNSS, 2023 to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine whether the crime in question is purely individual in nature or a crime against the society with overriding public interest. It has been repeatedly cautioned that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

3. Here, the prosecution case is that the petitioners are the husband, mother-in-law and the parents of the defacto complainant. The marriage between the first petitioner and the defacto complainant was solemnized on 29.06.2023. Out of the wedlock, she became pregnant. On 22.10.2024, she delivered a male child in the Government Hospital, Dindigul. At that time, the doctor, who attended the defacto complainant found that the defacto complainant is a minor girl and child marriage was performed. On the report of the doctor, the respondent police has registered the case as against the petitioners.



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4. Therefore, this Court entertained this petition, ordered notice and also directed the investigation officer to ascertain as to whether the compromise arrived between the parties is a voluntary one, without any threat or coercion.

5. The petitioners and the defacto complainant are present before this Court today and submitted the petitioners and the defacto complainant are living under one roof. Considering her future, the defacto complainant is not inclined to prosecute the case further. To that effect, they have also filed a joint compromise memo dated, 20.03.2025

6. The investigation officer, after verification, has filed a report that the compromise arrived upon between the parties is genuine, without any threat or coercion.

7. This Court has verified the parties with their Aadhar Cards and also verified as to the present status. The parties have expressed their willingness to solve the issue.



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8. In the case on hand, the offences involve the petitioners and the second respondent / defacto complainant and their respective families only. The defacto complainant herself has submitted that she does not want to prosecute the case any further. Under such circumstances, no useful purpose will be served in keeping the case pending, even though some of the offences involved are not compoundable in nature. On the other hand, keeping the proceedings pending will only swell the mental agony of the parties.

9. In view of the above position and following the guidelines issued by the Hon'ble Supreme Court in the case referred supra, this Court is inclined to quash the proceedings, though certain offences are non-compoundable, in order to avoid further conflict between the parties.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.SC No.9 of 2025, on the file of the learned Special Court for Exclusive Trial of POCSO Act cases, Dindigul is hereby quashed. The joint compromise memo dated, 20.03.2025 signed



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by the parties, shall form part and parcel of this order. Consequently, connected Miscellaneous petition is closed.

**21.07.2025**

NCC : Yes/No
Index : Yes/No
vrn

To

1.The Special Court for Exclusive Trial of POCSO Act cases, Dindigul

2.The Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.



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**B.PUGALENDHI,J**

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**Order made in**
**Crl.OP(MD)No.9863 of 2025**

**21.07.2025**



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