



Crl.O.P.(MD)No.14282 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.14282 of 2024

Shek Aliyaar

... Petitioner

Vs

1. The Sub Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
Crime No. 10/2019

2. Mrs.Xxxxxxxx

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records call for the records and quash in Spl.S.C.No. 71 of 2020 in connection with Cr No. 10/2019 for offences U/s. 5(n), 5(l), 5(j) (ii) and 6 of the Prevention of Children from Sexual Offences Act on the file of the Fast Track Mahila Court, Tuticorin District.

For Petitioner : Mr. S.S.Sundarapandian

For Respondents : Mr.M.Vaikkam Karunanithi (R1)
Government Advocate(Crl.Side)
: Mr.P.Suresh (R2)



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ORDER

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This Criminal Original Petition has been filed to quash the charge sheet in Spl.C.C.No.71 of 2020 for the offence under Sections 5(n), 5(j)(ii) r/w 6 of POCSO Act, 2012 before the Fast Track Mahila Court, Tuticorin District.

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. Now they are 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 stated that they are living as husband and wife. The victim has no objection to quash the pending case, as they loved each other and got married. 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:

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“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 along with their child after marriage and though charges are grave in nature,



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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, by recording the compromise memo, this Criminal Original Petition stands allowed and the pending proceedings against the petitioner in Spl.C.C.No.71 of 2020 on the file of the Fast Track Mahila Court, Tuticorin District is hereby quashed.

14.03.2025

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

To

1. The Sessions Judge, Fast Track Mahila Court, Tuticorin District
2. The Sub Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
Crime No. 10/2019
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

PNM

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