



Crl.O.P.(MD) No.13559 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD) No.13559 of 2024

1.Manisamy

2.Ponnathal

3.Karuppasamy

4.Rani

... Petitioners

Vs.

1.The State rep. by its
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
Crime No.20 of 2022

2.The Social Welfare Officer,
Thirumangalam Union,
Madurai District.

3.xxxxxxxx

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, 1973 to call for the records pertaining to the impugned Charge Sheet in Spl.S.C.No.333 of 2022 on the file of the learned Sessions Judge, Special Court for the exclusive trial of POSCO Act cases, Madurai and quash the same.



WEB COPY



Crl.O.P.(MD) No.13559 of 2024

For Petitioners : Mr.K.Rajesh
For R1 & R2 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)
For R3 : Mr.S.Paul Murugan

ORDER

The Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, 1973, seeking to quash Spl.S.C.No.333 of 2022 on the file of the learned Sessions Judge, Special Court for the exclusive trial of POSCO Act cases, Madurai.

2. On 07.07.2022, the second respondent, the Social Welfare Officer, Thirumangalam Union, Madurai District, lodged a complaint with the first respondent.

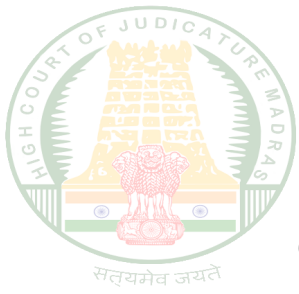
3. The case of the prosecution is that on 16.07.2021, the first petitioner married a minor girl in a ceremony arranged by the second to fourth petitioners. Subsequently, in an independent house in Vinopa Nagar, the first respondent sexually assaulted the minor, resulting in her pregnancy and the birth of a male child on 27.06.2022 at 3:00 p.m. at Rajaji Government Hospital, Madurai.



Crl.O.P.(MD) No.13559 of 2024

WEB COPY 4. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, F.I.R. came to be registered in Crime No.20 of 2022 and after investigation and filing of the final report, the same was taken cognizance in Spl.S.C.No.333 of 2022 on the file of the learned Sessions Judge, Special Court for the exclusive trial of POSCO Act cases, Madurai, for the offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Sections 5(l), 5(j)(ii) & 6 of the Protection of Child from Sexual Offences Act, 2012 against the first petitioner and Section 10 of the Prohibition of Child Marriage Act, 2006 against the second to fourth petitioners. He further submitted that the first petitioner and the victim girl are close relatives, and she is none other than the first petitioner's own sister's daughter.

5. The case is now under trial. By passage of time, the first petitioner and the victim child (the third respondent herein) are now living together peacefully. Consequently, they have decided to bury their hatchet and compromise the dispute amicably among themselves.



Crl.O.P.(MD) No.13559 of 2024

6. A Joint Memo of Compromise, dated 20.08.2024, along with copies of the birth certificate and Aadhar card of the child born to the first petitioner and the victim, has been filed before this Court. The Joint Memo of Compromise has been signed by the petitioners and the third respondent and also by their respective counsel. The petitioners and third respondent were also present in person before this Court and they were identified by Mrs.R.Ramalakshmi, WSSI, All Women Police Station, Thirumangalam, Madurai District, as well as by the learned counsels appearing for the parties. This Court also enquired of both parties and is satisfied that the first petitioner and the victim girl are living together peacefully, and have reached an amicable settlement between themselves.

7. In the instant case, now the parties had compromised and the first petitioner and the third respondent, victim girl, are living together, peacefully. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Sections 5(l), 5(j)(ii) & 6 of the Protection of Child from Sexual Offences Act, 2012.



Crl.O.P.(MD) No.13559 of 2024

8. The legal position expressed by the Hon'ble Apex Court in the case of ***K.Dhandapani vs. The State by the Inspector of Police*** reported in **2022 LiveLaw (SC) 477**, were taken into consideration. The relevant portion of the said judgment reads as under:-

“Protection of Child from Sexual Offences Act, 2012; Section 5, 6 – Conviction of Protection of Child set aside after noticing that he married the victim girl and has two children- Court cannot shut its eyes to the ground reality and disturb the happy life of the appellant and the prosecutrix. We have been informed about the customs in Tamil Nadu of the marriage of a girl with the maternal uncle”

9. In the light of the guidelines issued in the above said judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Spl.S.C.No.333 of 2022 on the file of the learned Sessions Judge, Special Court for the exclusive trial of POSCO Act cases, Madurai, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.333 of 2022 on the file of the learned Sessions Judge, Special Court for the exclusive trial of POSCO Act cases, Madurai,



Crl.O.P.(MD) No.13559 of 2024

is quashed as against the petitioners and the Joint Compromise Memo,

dated 20.08.2024, shall form part and parcel of this order.

07.01.2025

Index: Yes/ No

Neutral Citation: Yes / No

JEN

To:

- 1.The Sessions Judge,
Special Court for the exclusive trial of POSCO Act cases,
Madurai.
- 2.The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.13559 of 2024

M.NIRMAL KUMAR, J.

JEN

Crl.O.P.(MD) No.13559 of 2024

07.01.2025