



Crl.O.P.(MD)No.15815 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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S.Nivash

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by the Inspector of Police,
All Women Police Station,
Usilampatti, Madurai District.
(Crime No.3 of 2022)

2.Shanthi

3.XXXXXXX

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to quash the charge sheet filed by the first respondent police in SPL.S.C.No.129 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.

For Petitioner	: Mr.N.Pragalathan
For R1 & R2	: Mr.K.Sanjai Gandhi Government Advocate
For R3	: Mr.Muthurakkan



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in SPL.S.C.No.129 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.

2. The case of the prosecution is that the third respondent, minor girl and the petitioner loved each other and they had sexual relationship, due to which the third respondent became pregnant and begot a boy baby. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.3 of 2022 and after investigation, final report was filed and the same was taken cognizance in SPL.S.C.No.129 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai for the offences under Sections 4(2), 5(I), 5(n), 5(j)(ii) and Section 6 of the Protection of Child from Sexual Offences Act against the petitioner.



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4.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Now, both realized their mistakes, reconciled and the second respondent agrees to withdraw the complaint.

5. A Joint Memo of Compromise is filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second and third respondents are present before this Court and identified by Mr.S.Pandiyarajan, SSI of Police, Usilampatti Town Police Station, Madurai, as well as by the learned counsel appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own without any compulsion.

6. In the instant case, after the registration of FIR, the petitioner and the third respondent got married and are living together and they have blessed with a boy child in the year 2022 and now another girl child was also born on 30.12.2024. The marriage certificate is also produced before this Court. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.



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7. The legal position expressed by the Hon'ble Apex Court in the case of ***K.Dhandapani Vs. State by the Inspector of Police*** reported in ***2022 SCC Online SC 1056*** is taken into consideration.

8. 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.129 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in SPL.S.C.No.129 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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10.01.2025



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To

- 1.The Special Court for Exclusive Trial of Cases
under POCSO Act, Madurai
- 2.The Inspector of Police,
All Women Police Station,
Usilampatti, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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