



Crl.O.P.(MD)No.19734 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19734 of 2024

1.Muruganantham
2.Kaliswari
3.Muthumari
4.Guruvammal

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep., by The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
Crime No.67 of 2024

2.Mugilarasi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records connected with the case in Crime No.67 of 2024 pending on the file of the first respondent police station and quash the same in so far as the petitioners are concerned.

For Petitioners	: Mr.S.Malaikani
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)



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For R2

: Mr.Ali Akbar

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ORDER

The petitioners, who are A2 to A5 in Crime No.67 of 2024 for the offences under Sections 5(1), 6 and 17 of TN Prohibition of Child from Sexual Offences Act, 2012, Section 506(1) of IPC and Section 9,10 and 11 of TN Prohibition of Child Marriage Act, 2006, had filed this quash application.

2. The contention of the petitioners is that the first petitioner is the husband of victim/second respondent, second and third petitioners are mother and mother-in-law of the victim and the fourth petitioner is the mother of A2. The defacto complainant /victim had lodged a complaint stating that when she was studying in Mudukulathur Pallivasal Higher Secondary School, she used to travel in TATA ACE vehicle along with her schoolmates, which was driven by one Balamurugan. Later, the said Balamurugan, on 16.12.2022, called the victim girl to his house and on promise to marry her committed penetrative sexual assault. They continued to their relationship, which was objected by her parents and later, marriage was held between the victim and the first petitioner/A2 on



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01.07.2024. The victim was minor when she had relationship on 16.12.2022 as well as 14.12.2023 and hence, case was registered. Now, the victim and the first petitioner/A2 are living as husband and wife and the petitioners 3 to 5, mother, mother-in-law and grand-parent, all agreed to her marriage and living as one family. The victim has attained majority and the victim had filed an affidavit confirming the marriage and her relationship and she and the first petitioner are living as husband and wife. Further submitted that the first petitioner is the only earning member, supporting the entire family and now, they are living happily. In view of the same, now the victim had filed a compromise memo. Hence, seeks quashing of case.

3. The learned Government Advocate (crl.side) submitted that on the complaint of the victim, case has been registered in Crime No.67 of 2024 and thereafter, on completion of investigation, victim statement recorded and she was produced before the Magistrate and her statement under Section 164 recorded. She confirmed penetrative sexual assault committed by A1 and married with A2. During investigation, statement of witnesses recorded. The victim, A1 and A2 were produced before the



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Doctor for medical examination. Records collected. Thereafter, charge sheet was filed listing L.W.1 to L.W.26. The first petitioner is the husband of victim, second and third petitioners are mother and mother-in-law of victim and the fourth petitioner is the grandparent of victim. On interaction with the victim, it is confirmed that the victim is married and she is living happily with A2 as husband and wife. The respondent police had confirmed that the first petitioner and the victim are living as husband wife and all the petitioners are living together as one family. Further submitted that in this case, investigation has been completed and charge sheet filed in Spl.S.C.No.98 of 2024 before the Additional Mahila Court (Fast Track), Ramanathapuram.

4. Today, a joint Memo of Compromise filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Mr.Sendurpandi, SSI of Police, Peraiyur Polie Station, Ramanathapuram District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves



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on their own voluntarily without any compulsion.

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5. The second respondent had stated that she and the first petitioner are living as husband and wife and she continues to live with A2 as wife and her matrimonial life not to be disturbed and hence, she had intended to withdraw the complaint against the petitioners. She has also filed an affidavit. The relevant portion of the affidavit reads as follows:

“4.I submit that after the Fir was registered, on attainment of majority now the first petitioner and I residing as a husband and wife. Therefore, in the interest of our future, we wanted to quash the FIR registered on my complaint and the present quash application was filed. In the meantime, the charge sheet has been filed and the same has been taken on file as Spl.S.c.No.98 of 2024 and the same is now pending before the Hon'ble Sessions Judge, Fast Track Mahila Court, Ramanathapuram.



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5. I further submit that I have no objection to quash the above case in Spl.S.C.No.98 of 2024 arising out of Crime NO.67 of 2024 in so far as the petitioners are concerned.....”.

6. The case has been registered for offences under Sections 5(1), 6 and 17 of TN Prohibition of Child from Sexual Offences Act, 2012, Section 506(1) of IPC and Section 9,10 and 11 of TN Prohibition of Child Marriage Act, 2006. It is settled law that the High Court has inherent power under Section 482 of the Code of Criminal Procedure to quash the criminal proceedings even for the offences which are not compoundable under Section 320 of the Code of Criminal Procedure, where the parties have settled their dispute between themselves. However, while quashing the criminal proceedings, based on the settlement arrived at between the parties, the High Court should act with caution and the power should be exercised sparingly only in order to secure the ends of justice and also to prevent abuse of process of any Court.



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7. Further, the Hon'ble Apex 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”.

8. 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.



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9. Keeping the above principles in mind, let us now consider the instant case as to whether it is a fit case to quash the criminal proceedings based on the settlement arrived at between the parties.

10. In the case at hand, though the petitioners are charged with for the offences punishable under Sections 5(1), 6 and 17 of TN Prohibition of Child from Sexual Offences Act, 2012, Section 506(1) of IPC and Section 9,10 and 11 of TN Prohibition of Child Marriage Act, 2006, now, the petitioners and the second respondent/*victim* have amicably settled their dispute between themselves. The second respondent/*victim* has also filed an affidavit stating that she wants to live with the first petitioner as wife. In view of the compromise between the parties, the possibility of conviction is also remote and bleak. In the above circumstances, continuity of the criminal proceedings would only cause oppression and prejudice to the parties, hence, in order to secure the ends of justice, this Court is inclined to quash the criminal proceedings.

11. Accordingly, this Criminal Original Petition is allowed and



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FIR in Crime No.67 of 2024 is hereby quashed and consequently, the criminal proceedings initiated against the petitioners in Spl.S.C. No.98 of 2024 on the file of the Sessions Court, Fast Track Mahila Court, Ramanathapuram, is also quashed and the terms of joint compromise memo and affidavit filed by the second respondent shall form part and parcel of this order. The trial in Spl.S.C.No.98 of 2024 shall continue as against A1.

NCC : Yes / No

23.01.2025

Index : Yes / No

Rmk

To

- 1.The Sessions Court, Fast Track Mahila Court, Ramanthapuram.
- 2.The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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