



Crl.O.P.(MD)No.20979 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD)No.20979 of 2025

and

Crl.M.P.(MD)Nos.17882 & 17885 of 2025

B.Jegatheesh

... Petitioner/Sole Accused

Vs.

1.The State of Tamil Nadu,
The Inspector of Police,
Masaar Patti Police Station,
Tuticorin District.
(Crime No.232 of 2021)

... 1st respondent /
Complainant

2.Mariya Nayagam

... 2nd respondent / de-facto
Complainant

3.XXXX,
XXXX,
XXXX

... Victim / 3rd respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Spl.S.C.No.57 of 2022 on the file of the learned Sessions Judge, Mahalir Court, Tuticorin and quash the same as against the petitioners.



CrI.O.P.(MD)No.20979 of 2025

For Petitioner : M/s.M.Punitha Deva Kumar
For R1 : Mr.Thanga Aravindh.B,
Government Advocate (Criminal Side)
For R3 : Mr.D.V.Raju

ORDER

This Criminal Original Petition has been filed under Section 528 BNSS, seeking to quash the charge sheet filed in Spl.S.C.No.57 of 2022 on the file of the learned Sessions Judge, Mahalir Court, Tuticorin.

2. The case of the prosecution is that the petitioner and the 3rd respondent / victim girl were in a romantic relationship. Both of them are Ceylon refugees. The petitioner, under the pretext of marriage, engaged in physical intercourse with the victim girl, who was a minor. This led to the filing of a complaint in Crime No.232 of 2021 before the 1st respondent police. After investigation, a charge sheet was filed, and the matter was taken on file as Spl.S.C.No.57 of 2022 for the alleged offences under Section 363 of the IPC read with Sections 5(1), and 6 of Protection of Child from Sexual Offences Act, 2012.



Crl.O.P.(MD)No.20979 of 2025

3. The petitioner and the 3rd respondent / victim girl are present before this Court in person and are identified by Mr.A.Pappuraj, Masaar Patti Police Station, Tuticorin District. Admittedly, the petitioner and the 3rd respondent / the victim girl, are now married to each other. The 2nd respondent / de-facto complainant, namely Mariya Nayagam, S/o. Sebasthiyarpillai, was unable to appear before this Court in person due to his ailments. However, he appeared through video conference and stated that he has no objection for entering into a compromise with the sole accused in Spl.S.C.No.57 of 2022, as the petitioner has already married his daughter, the victim girl, who has since attained majority, and they are living happily together. A Joint Compromise Memo dated 02.12.2025 has been filed before this Court. This Court is satisfied that the compromise is voluntary and not the result of any coercion or undue influence.

4. The law relating to quashment of criminal proceedings on the basis of compromise between the parties is well settled. In ***Gian Singh v. State of Punjab***¹, the Hon'ble Supreme Court authoritatively held that the inherent power of the High Court under Section 482 Cr.P.C is of wide amplitude and may be exercised to quash criminal proceedings even in respect of non-compoundable offences, provided the dispute is essentially private in nature

¹ 2012 10 SCC 303



Crl.O.P.(MD)No.20979 of 2025

and the quashment would secure the ends of justice. The Court, however, drew a clear distinction between offences arising out of personal or matrimonial disputes, commercial transactions and similar private wrongs, and serious or heinous offences having grave impact on society, holding that the latter category cannot ordinarily be quashed merely on the basis of a settlement.

5. The said principles were succinctly crystallised in ***Parbatbhai Aahir v. State of Gujarat***², wherein the Supreme Court, after surveying the earlier precedents, laid down broad propositions governing the exercise of inherent jurisdiction on the basis of compromise. It was emphasised that the paramount consideration is whether the continuance of the criminal proceedings would be unfair or contrary to the interests of justice, and whether the dispute predominantly bears a civil or private character, rendering the possibility of conviction remote and bleak.

6. In ***State of Madhya Pradesh v. Laxmi Narayan***³, the Supreme Court reiterated and clarified the limitations on such power, holding that offences of a serious nature, particularly those involving mental depravity, grave violence, or offences against society at large, cannot be quashed on the basis of

² 2017 9 SCC 641

³ 2019 5 SCC 688



Crl.O.P.(MD)No.20979 of 2025

compromise, even if the parties have amicably settled the dispute. The Court further cautioned that while examining compromise quash petitions, the High Court must consider the nature and gravity of the offence, the conduct of the accused, and the stage of the proceedings, and the overall impact on society and must satisfy itself that the settlement is voluntary and not the result of coercion or undue influence.

7. Applying the aforesaid principles to the facts of the present case, this Court has carefully examined the nature and gravity of the allegations, the relationship between the parties, the conduct of the petitioner, the stage of the proceedings, and the voluntary nature of the compromise.

8. The dispute in question is predominantly private in character and does not involve any offence having serious or grave impact on society at large. In view of the compromise arrived at between the parties, the possibility of conviction is rendered remote and bleak. Continuation of the criminal proceedings would therefore serve no useful purpose and would amount to an abuse of the process of Court.

9. Accordingly, the impugned charge sheet filed in Spl.S.C.No.57 of



Crl.O.P.(MD)No.20979 of 2025

2022 on the file of the learned Sessions Judge, Mahalir Court, Tuticorin, is quashed, and the Criminal Original Petition stands allowed. The joint compromise memo dated 02.12.2025 shall form part and parcel of this order. Consequently, the connected Criminal Miscellaneous Petitions are closed.

05.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
mkn



Crl.O.P.(MD)No.20979 of 2025

L.VICTORIA GOWRI, J.

mkn

To

1.The learned Sessions Judge,
Mahalir Court, Tuticorin.

2.The Inspector of Police,
Masaar Patti Police Station,
Tuticorin District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No.20979 of 2025

and

Crl.M.P.(MD)Nos.17882 & 17885 of 2025

05.12.2025