



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

WEB COPY

Date : 06.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.22678 of 2023

Samsudeen

... Petitioner / Accused

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
All Women Police Station,
Thoothukudi.
(Crime No.13 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the order of dismissal in the case in Cr.M.P.No.6073 of 2023 in Spl. S.C.No.91 of 2020 on the file of the learned Sessions Judge, Mahalir Neethimandram/Additional POCSO Court, Thoothukudi

For Petitioner : Mr.Raja Mohamed
Advocate

For Respondent : Mr.A.Thanga Aravindh
Government Advocate
(Criminal Side)



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ORDER

This petition was filed challenging the order dated 08.11.2023 made in Cr.M.P.No.6073 of 2023 in Spl.S.C.No.91 of 2020 on the file of the learned Sessions Judge, Mahalir Neethimandram/Additional POCSO Court, Thoothukudi, wherein the application filed by the petitioner under Section 311 of Cr.P.C to recall the PW1 was dismissed.

2. When the matter came up for hearing on 29.11.2024, this Court passed the following order:

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

2. The learned counsel for the petitioner submitted that there was a love affair between the petitioner and the victim girl. Now they have compromised the dispute and the petitioner wanted to marry the victim girl.

3. In view of the above, the respondent shall inform the victim girl and her parents to be present before this Court during the next date of hearing.

4. The petitioner shall also be present before this Court along with his parents.

3. The matter was thereafter listed for hearing on 09.12.2024 and the following order was passed by this Court.



In pursuant to the earlier order passed by this Court on 29.11.2024. the petitioner was present before this Court along with his mother. The victim girl was also present before this Court along with her father. On enquiring their parents, it is seen that they are willing to get the petitioner and the victim girl married. The victim girl has also stated that she wants to marry the petitioner. The petitioner has also confirmed the fact that he wants to marry the victim girl.

2. In the light of the above development, there shall be a direction to the petitioner and the victim girl to file a joint compromise memo during the next date of hearing before this Court along with the relevant documents. Thereafter, this Court will give some time for the petitioner and the victim girl to marry and the same to be registered and thereafter, this Court will record the same and close the criminal proceedings.

3. The presence of the parties is dispensed with.

4. Post this case on 16.12.2024 at 2.15 p.m.

5. In the mean time, the proceedings in Spl.S.C.No.91 of 2020 pending on the file of the learned Sessions Judge, Mahalir Neethimandram/Additional POCSO Court, Thoothukudi shall be kept in abeyance.

4. The case was once again listed for hearing on 16.12.2024 and this Court passed the following order:

In pursuant to the earlier order passed by this Court on 09.12.2024, a joint compromise memo has been filed. On going through



the me, it is seen that steps have been taken to grange the marriage on 27.12.2024, which is going to be registered under the Special Marriage Act. The petitioner and the victim girl were present at the time of hearing.

2. Post this case on 06.01.2025 at 2.15 p.m.

3. On that date, this Court will ascertain as to whether the parties have married and Plocardings. thereafter, proceed to quash the proceedings.

5. When the matter is taken up for hearing today, a memo has been filed on the side of the petitioner. The petitioner and the victim girl, who is the defacto complainant were present before this Court. The victim girl stated that, she got married to the petitioner on 20.12.2024 and already process has been initiated for registration of the marriage under the provisions of Special Marriage Act, 1955. She confirmed the fact that, she is now living with the petitioner happily after the marriage.

6. In the light of the above development, continuation of the criminal proceedings against the petitioner will not be in the interest of the victim girl and also they have to turn a new leaf in their life after they married on 20.12.2024.



7. A Joint Compromise Memo dated 16.12.2024, signed by both petitioner and the de facto complainant and the counsel for the petitioner has been filed before this Court. The petitioner and the victim girl were also present in person before this Court. In the affidavit, it has been stated that the petitioner and the second respondent/de facto complainant have entered into a compromise and amicably settled their issues in Spl.S.C.No.91 of 2020 on the file of the learned Sessions Judge, Mahalir Neethimandram/Additional POCSO Court, Thoothukudi.

8. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in *(2017) 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)* and after exercising due caution as advised by the Hon'ble Supreme Court in *The State of Madhya Pradesh v. Dhruv Gurjar and Another* reported in *(2019) 2 MLJ Crl 10*, this Court in exercise of its jurisdiction under Section 482 Cr.P.C, quash the proceedings in Spl.S.C.No. 91 of 2020 on the file of the learned Sessions Judge, Mahalir Neethimandram/Additional POCSO Court, Thoothukudi dated 08.11.2023.



9. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.91 of 2020 on the file of the learned Sessions Judge, Mahalir Neethimandram/Additional POCSO Court, Thoothukudi dated 08.11.2023 is hereby quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order.

06.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. Sessions Judge, Mahalir Neethimandram/Additional POCSO Court,
Thoothukudi
2. The Inspector of Police,
All Women Police Station,
Thoothukudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



N.ANAND VENKATESH,J.

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ORDER
IN
CRL OP(MD) No.22678 of 2023

Date :06.01.2025