



Crl.O.P.(MD)No.1817 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1.Vasanth @ Ebi Vasanth
2.James
3.Julie
4.Rahul

... Petitioners

Vs.

1.State of Tamil nadu through
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
Crime No.85 of 2020

2.Chandrasekar
3.XXXX

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining tot he impugned charge sheet in Spl.S.C.No.193 of2023 on the file of the learned Special Court for the Exclusive Trial of POCSO Act Cases, Dindigul and to quash the same as illegal in so far as the petitioners are concerned.

For Petitioners : Mr.R.Kannan



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For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
For R2 & R3 : Mr.G.Manikandan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.193 of 2023 on the file of the learned Special Court for the Exclusive Trial of POCSO Act Cases, Dindigul.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the first respondent stating that when her daughter was studying ITI course, she fell in love with the first petitioner, then on 08.02.2020 the first petitioner took the victim girl to Tiruppur and got married and stayed there up to 09.04.2022. In the meanwhile, the victim girl got pregnant and begotten a female child on 28.07.2021. Hence the case.

3. The learned counsel appearing for the petitioners as well as the learned counsel appearing for the second and third respondents submitted that now, the petitioners and the second and third respondents have



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settled the dispute between themselves amicably and the second respondent is not willing to proceed further with the criminal case.

4. Today, when the matter was taken up for hearing a joint Memo of Compromise filed before this Court signed by the petitioners and the second and third respondents and their respective counsels. The petitioners and the second and third respondents present before this Court, identified by Mr.K.Arumugam, SSI of Police, Dindigul Taluk Police Station, 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 on their own voluntarily without any compulsion.

5. The second respondent had stated that at the time of occurrence, her daughter was minor and now she attained majority. The first petitioner and her daughter are now living happily as husband and wife. If the criminal proceeding proceeds against the first petitioner, her daughter and grand-daughter life will become questionable. Hence, she intends not to pursue the criminal proceedings against the petitioner.



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6. This Court interacted with the victim/third respondent herein, she confirms she married the first petitioner and female child was born to them and now, they are living happily. She has no objection to withdraw the criminal proceedings against the petitioners.

7. The case has been registered for offences under Sections 366 of IPC and Sections 366(A), 363 of IPC and Sections 9, 5(l), 5(j)(ii) and 6 of POCSO Act. 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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8. 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”.

9. 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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10. 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.

11. In the case at hand, though the petitioners are charged with for the offences punishable under Sections 366 of IPC and Sections 366(A), 363 of IPC and Sections 9, 5(l), 5(j)(ii) and 6 of POCSO Act, now, the petitioners and the second and third respondents have amicably settled their dispute between themselves . The second and third respondents have also filed an affidavit. 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.

12. Accordingly, this Criminal Original Petition is allowed and the criminal proceedings initiated against the petitioners in Spl.S.C. No.193 of 2023 on the file of the Special Court for Exclusive Trial of POCSO



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Act Cases, Dindigul, is quashed and the terms of joint compromise memo and affidavit filed by the second and third respondents shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
Rmk

30.01.2025

To

- 1.The Special Court for Exclusive Trial of POCSO Act Cases, Dindigul.
- 2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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