



Crl.O.P.(MD)No.883 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.883 of 2026

Thanish

... Petitioner/Sole Accused

Vs.

1. The State of Tamil Nadu Rep by,
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime NO.679 of 2015.

... 1st Respondent/Complainant

2. Latha

... 2nd Respondent/ Defacto Complainant

3.Arthi Stapi

... 3rd Respondent/Victim

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records in Spl.S.C.No.105 of 2022 on the file of the Special Court for POCSO Act, Kanyakumari District, at Nagercoil, and quash the same as illegal and devoid of merits insofar as the petitioner is concerned.

For Petitioners : Mr. S.Ramakrishnan

For Respondents : Mr. M.Sakthi Kumar (R1)

Government Advocate (Crl.Side)

Mr. P.Venkatesan (R2)



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ORDER

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This Criminal Original Petition is filed under Section 482 CrPC / Section 528 BNSS, seeking to quash the impugned Charge Sheet in Spl.S.C.No.105 of 2022 on the file of the Special Court for POCSO Act, Kanyakumari District, at Nagercoil.

2. The gist of the allegations in the final report is that on 04.09.2015 at about 07;45 a.m, the petitioner is said to have kidnapped the victim girl from Nagercoil to Tirunelveli and also attempted to commit the sexual assault upon the victim girl. Pursuant to the complaint given by the defacto complainant / second respondent, a case in Crime No.679 of 2015 was registered on the file of the first respondent against the petitioner for the offences under Sections 7 & 8 of Protection of Child From Sexual Offences Act, 2012 and Sections 365 & 506(2) of IPC and the same culminated in laying final report in Sessions Spl.S.C.No.105 of 2022 before the Special Court for POCSO Act, Kanyakumari District. Seeking quashment of the charge sheet, this Criminal Original Petition is filed.

3. Admittedly, the petitioner and the second respondent have now resolved the dispute amicably. A Joint Compromise Memo dated 03.02.2026 has been filed before this Court.



4. The petitioner and the second respondent / defacto complainant are present before this Court in person and are identified by the Inspector of Police, Eraniel Police Station, Kanyakumari District. The defacto complainant has categorically stated that she does not wish to pursue the proceedings against the petitioner herein. This Court is satisfied that the compromise is voluntary and not the result of any coercion or undue influence.

5. 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 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.

¹ 2012 (10) SCC 303



6. 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.

7. 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 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.

² 2017 (9) SCC 641

³ 2019 (5) SCC 688



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8. 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.

9. 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.

10. Accordingly, the impugned Charge Sheet in Spl.S.C.No.105 of 2022 on the file of the Special Court for POCSO Act, Kanyakumari District, at Nagercoil, is hereby quashed insofar as the petitioner is concerned and the Criminal Original Petition stands allowed. The joint compromise memo dated 03.02.2026 shall form part and parcel of this order.

03.02.2026

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

dss

TO:-

- 1.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.883 of 2026

Dated
03.02.2026