



Crl.O.P(MD)No.3350 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.3350 of 2024

Marimuthu ... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(Crime No.579/2021)

... Respondent/Complainant

2.M.Jeyalakshmi ... Respondent/Defacto Complainant

3.xxxxxx ... Respondent/Victim

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for records relating to the Charge Sheet in Spl.CC.No.298 of 2023 on the file of the Special Court for POCSO Act Cases, Tirunelveli and quash the same against the Petitioner is concerned.

For Petitioner : Mr.C.Susikumar
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)
For R3 : Mr.R.Maheswaran



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ORDER

This Criminal Original Petition is filed under Section 482 CrPC / Section 528 BNSS, seeking to quash the Final Report in Spl.CC.No.298 of 2023 on the file of the Special Court for POCSO Act Cases, Tirunelveli, insofar as the petitioner is concerned.

2. The 2nd respondent reported that, on 11.03.2021, he received information from Child Line, Alapuzha, that the 3rd respondent, who appeared to be a minor, had given birth to a female child at Medical College Hospital, Vandanam. A preliminary enquiry revealed conflicting statements about her age, as claimed by her father as 19 years, and by her as mother, 20 years. As no official proof was available, an ossification test was conducted on 09.04.2021, which indicated that she was approximately 16 years old, that is below 18 years. The enquiry further revealed that the petitioner allegedly married the 3rd respondent in 2019 at Mariamman Kovil Temple, Thirupur, lived together at Sivagiri, and allegedly sexually harassed her, resulting in pregnancy. Based on these allegations, an FIR was registered in Crime



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No.579 of 2021 on the file for the 1st respondent police station for the offences under Sections 376, 376 (2)(n) IPC, Sections 5(i), 6 Protection of Child from Sexual Offences Act, 2012 and Sections 9 and 10 of Child Marriage Restraint Act, 1929 which culminated in filing final report before the Special Court for POCSO Act Cases, Tirunelveli and the case was taken on file in Spl.CC.No.298 of 2023.

3. Admittedly, the petitioner and the 3rd respondent are husband and wife, and they have now resolved the dispute amicably. A Joint Compromise Memo dated 28.02.2026 has been filed before this Court.

4. The petitioner and the 3rd respondent / victim are present before this Court in person and their marriage certificate was also produced before this Court and they are identified by Mr. Ilaiyaraja, Head Constable, Sivagiri Police Station, Tenkasi District. The victim has categorically stated that she does not wish to pursue the FIR against the petitioner. 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 Punjab¹, the Hon'ble Supreme Court authoritatively held that the inherent power of the High Court under Section 482 CrPC 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.

6. The said principles were succinctly crystallised in **Parbatbhai Aahir v. State of Gujarat²**, 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

¹ 2012 10 SCC 303

² (2017) 9 SCC 641



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.

8. Applying the aforesaid principles to the facts of the present case, this Court has carefully examined the nature and gravity of the

³ (2019) 5 SCC 688



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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 Final Report in Spl.CC.No.298 of 2023 on the file of the Special Court for POCSO Act Cases, Tirunelveli is quashed and the Criminal Original Petition stands allowed. The joint compromise memo dated 28.02.2026 shall form part and parcel of this order.

27.02.2026

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

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- 1.The Special Court for POCSO Act Cases,
Tirunelveli.
- 2.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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