



Crl.O.P(MD)No.19612 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.19612 of 2025

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... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District
(Crime No.6/2023)

... Respondent/Complainant

2.xxxxx

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in Spl.S.C.No.40 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi District and quash the same.

For Petitioner : Mr.S.Muthumalai Raja

For R1 : Mr.S.Ravi
Additional Public Prosecutor

For R2 : Mr.R.Rajasudalai



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ORDER

This Criminal Original Petition is filed under Section 528 BNSS, seeking to call for the records in Spl.S.C.No.40 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi District and quash the same.

2. The case of the prosecution is that the petitioner developed a one-sided affection towards the *defacto* complainant when she was studying in 7th standard and continued to persuade her until she completed 12th standard. Thereafter, the petitioner allegedly harassed the *defacto* complainant by engaging in physical conduct on the false promise of marriage using inducement and deceptive representations. Believing the petitioner's assurances and expecting marriage, the *defacto* complainant complied with his demands. Subsequently, due to differences, the relationship ended. Thereafter, the petitioner is alleged to have criminally intimidated the *defacto* complainant by threatening to upload morphed/obscene photographs on social media (Facebook) and



thereby damage her reputation and future. On the basis of these allegations, the *defacto* complainant lodged a complaint before the 1st respondent police and a case was registered under Sections 5(1) and 6 of the Protection of Child from Sexual Offences Act, 2012 in Crime No. 6 of 2023.

3. The petitioner and the 2nd respondent have now resolved the dispute amicably. An affidavit dated 07.11.2025 has been filed by the 2nd respondent/*defacto* complainant before this Court.

4. The petitioner and the 2nd respondent / *defacto* complainant are present before this Court in person and are identified by M/s.M.Jeyaseeli Annathai, WSI, All Women Police Station, Thoothukudi District. The victim girl and her mother appeared before this Court and submitted that she had a love affair with the petitioner at the age of 15 while she was in school. Now, she has completed her Higher Secondary and she is yet to join collegiate education. She is intending to settled her scores with the petitioner by finding a way out



for herself and considering that the pendency of this case may cause difficulty for her in future, she is not intending to proceed with the case. 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 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.

¹ 2012 10 SCC 303



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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

² (2017) 9 SCC 641

³ (2019) 5 SCC 688



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 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.



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10. Accordingly, the impugned final report in Spl.S.C.No.40 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi District is quashed in entirety and the Criminal Original Petition stands allowed subject to the condition that the petitioner shall draw a demand draft to a sum of Rs.1,00,000/- (Rupees One Lakh only) in favour of the *defacto* complainant/2nd respondent herein. The affidavit filed by the petitioner dated 07.11.2025 shall form part and parcel of this order.

11. The petitioner is directed to file a memo along with the photocopy of the receipt before the Registry on or before 09.02.2026. In the event of non-compliance with the order passed by this Court, the same shall stand automatically vacated. List the matter on **10.02.2026** for reporting compliance.

09.01.2026

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



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To

- 1.The Special Court for Exclusive Trial of Cases
under POCSO Act, Thoothukudi District.
- 2.The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi 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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