



Crl.O.P.(MD)No.23174 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.01.2026**

CORAM:

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

Crl.O.P.(MD)No.23174 of 2025
and Crl.MP(MD)No.20101 of 2025

1.Prakash
2.Surulivel
3.Muthu
4.Ramasamy
5.Guruvathai

... Petitioners/Accused Nos. 1 to 5
Vs.

1. State of Tamilnadu
Rep by the Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
(Crime No.288 of 2021)

... Respondent No.1 /Complainant

2.Karupayee

... Respondent No.2 / Defacto Complainant

3.xxxxx
D/o.xxxx

... Respondent No.3

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to the impugned Charge Sheet Spl.S.C.No.86 of 2022 on the file of the Special Court For Exclusive Trial of Cases Under POCSO Act, Madurai and quash the same as illegal.

For Petitioners : Mr. A.Arputharaj

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

Government Advocate (Crl.Side)

: Mr. C.Sivakodi(R2)



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ORDER

This Criminal Original Petition is filed under Section 482 CrPC / Section 528 BNSS, seeking to quash the charge sheet in Spl.SC No.86 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.

2. The gist of the allegations in the final report is that the first petitioner and the victim girl had love affair and that the first petitioner had physical relationship with the victim for several times, due to which, the victim became pregnant. On knowing the same, the petitioners 2 to 5 arranged marriage of the victim girl with the first petitioner and the marriage was solemnized on 16.06.2021 and the victim girl was 15 years old at the time of the marriage, which is said to be taken place in Arulmigu Sithivinayagar Koil at Kalamman Koil, Thathan Kulam Village. Pursuant to the complaint given by the defacto complainant/second respondent, a case in Crime No.288 of 2021 was registered on the file of the Inspector of Police, T.Kallupatti Police Station, Madurai District, against the petitioners for the offences under Sections 5(1), 5(j)(ii), 6, 16 and 17 of POCSO Act and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, and the same culminated in laying final report in



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Spl.S.C.No.86 of 2022 before the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, for the offences under Sections 5(1), 5(j)(ii), 16 and 17 of POCSO Act and Sections 9 and 10 of the Prohibition of Child Marriage Act. Seeking quashment of the charge sheet, this Criminal Original Petition is filed.

3. Admittedly, the Sub Registrar, Peraiyur, issued a marriage certificate dated 30.12.2025 vide Marriage Sl.No.TMR/Peraiyur/136/2025 certifying that the marriage between the first petitioner and the third respondent/victim girl has been solemnized on 16.12.2025 and the same has been registered on 30.12.2025 at serial No.136 of Register of Marriages maintained under the Tamilnadu Registration of Marriages Act, 2009 and the parties have now resolved the dispute amicably. It is also stated that the first petitioner and the third respondent/victim blessed with one male child on 17.12.2021 and they are leading matrimonial life peacefully. A Joint Compromise Memo dated 18.12.2025 has been filed before this Court.

4. The petitioners and the second respondent / defacto complainant and the third respondent / victim are present before this Court in person and are identified by Mr.Ganesan, Special Sub Inspector of Police, T.Kallupatti Police



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Station, Madurai, District. The defacto complainant has categorically stated that he does not wish to pursue the proceedings against the petitioners 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 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 Gujarat***², wherein the Supreme Court, after surveying the

¹ 2012 (10) SCC 303

² 2017 (9) SCC 641



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.

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

³ 2019 (5) SCC 688



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relationship between the parties, the conduct of the petitioners, 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.86 of 2022 on the file of the Special Court For Exclusive Trial of Cases Under POCSO Act, Madurai, is quashed and the Criminal Original Petition stands allowed. The joint compromise memo dated 18.12.2025 and the marriage certificate dated 30.12.2025 in Marriage Sl.No.TMR/Peraiyur/136/2025 shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

23.01.2026

NCC : Yes / No
Index : Yes / No
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TO:-

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Madurai District.
(Crime No.288 of 2021)
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
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Dated
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