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CNR : KLHC010143842025

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR.JUSTICE K. V. JAYAKUMAR

THURSDAY, THE 5TH DAY OF NOVEMBER 2026 / 14TH KARTHIKA, 1948

ICR (CRL.MC) NO. 9 OF 2025

ARISING FROM THE ORDER DATED 27.09.2026 IN CRL.MC NO.630 OF 2020 OF THE HIGH COURT OF KERALA

PETITIONER/ACCUSED:

UMMER
AGED 49 YEARS
S/O ABOOBACKER, ASARITHODI, THEENDAPPARA,
CHAKKAPARAMBIL, OMANNUR P.O., CHEEKKODE,
MALAPPURAM - 673 645

BY ADVS.
SRI.CIBI THOMAS
SMT.SWARNA THOMAS
SMT.ANUSREE K.

RESPONDENTS/STATE AND COMPLAINANT:

1 **THE STATION HOUSE OFFICER**
PANOOR POLICE STATION,

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KANNUR DISTRICT - 670 692

2 THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031

3 MUSTHAFA T.K.
S/O MOHAMOOD, AGED 57 YEARS, ROSHI MAHAL,
PANOOR P.O., THALASSERY, KANNUR DISTRICT 670 692

BY ADV

SMT. AMBIKA DEVI, SPL PP
SRI.K.PRAVEEN KUMAR
SMT. RAJI P. MATHEWS, SR.PP

THIS INTRA COURT REFERENCE (CRIMINAL MISC. CASE) HAVING COME UP FOR FINAL HEARING ON 05.11.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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RAJA VIJAYARAGHAVAN V.,
&
K.V. JAYAKUMAR, JJ.

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ICR (Crl. MC) No. 9 of 2025 in Crl.MC No. 630 of 2020

- -

Dated this the 05th day of November, 2026

O R D E R

"CR"

Raja Vijayaraghavan, J.

This matter is placed before us on a reference made by the learned Single Judge, seeking an authoritative pronouncement on the scope and extent of the inherent powers of this Court to quash criminal proceedings involving offences under the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the 'POCSO Act'), on the basis of a settlement arrived at between the accused and the victim or the victim's family.

2. The learned Single Judge took note of the fact that divergent views had been expressed by learned Single Judges of this Court on the question whether proceedings involving offences under the POCSO Act could be quashed on the basis of a settlement between the parties. In particular, it was noticed that the view taken

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in **Abdul Salam v. State of Kerala and Others**[1] was in direct conflict with the view expressed by this Court in **Vishnu and Others vs. State of Kerala and Others**[2], as well as in **XXXX v. State of Kerala**[3]**.**

3. Taking note of the conflicting views, the learned Single Judge was of the opinion that the question whether offences of comparatively lesser gravity under the POCSO Act could be quashed on the basis of a settlement, in exercise of the inherent jurisdiction of this Court, required an authoritative pronouncement by a Division Bench. The learned Single Judge was concerned with the extent to which the inherent powers of this Court could be exercised in such cases, having regard to the object and purpose of the POCSO Act and the nature of the offences dealt with therein. It was in the above circumstances that the matter has been referred to us.

4. We have heard the submissions advanced by Smt. Swarna Thomas, the learned counsel appearing for the petitioner/accused, and the learned Senior Public Prosecutor.

5. Though the reference raises a question of law, it would be appropriate to briefly refer to the factual background in order to appreciate the contentions

[1] [2024 KLT OnLine 2322]
[2] [(2023) 3 KLT 754]
[3] [2024 KLT OnLine 2075]

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advanced before us.

6. The petitioner is an Ustad of Hibamul Islam Madrassa at Cheruvoth. The victim in the present case was a child aged 17 years at the time of the alleged incident, which occurred on 01.07.2018. The allegation is that the petitioner/accused, being a staff of a religious institution imparting education, sexually assaulted the child by touching her breast on 01.07.2018 and on subsequent days and thereby committed repeated sexual assault.

7. On the basis of a complaint lodged by the father of the victim on 24.04.2019, Crime No. 357 of 2019 was registered at Panoor Police Station for the offences punishable under Section 354A(1)(i) of the Indian Penal Code and Sections 7, 8, 9(l), 9(f) and 10 of the POCSO Act.

8. It appears that the petitioner had initially approached this Court seeking to quash the criminal proceedings. An affidavit sworn to by the victim was produced in support of the said petition. However, this Court declined to accept the affidavit as a ground for terminating the proceedings. Subsequently, after attaining majority, the victim herself filed an affidavit stating that the police had registered the crime and completed the investigation in a routine manner without properly

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ascertaining the entire facts and circumstances of the case. She further stated that the complaint had been lodged on account of a mistaken impression and that she had been ill-advised by certain persons who were inimical towards the accused. She asserted that she had no grievance against the accused and that the continued pendency of the criminal proceedings was adversely affecting her future prospects. On these grounds, she expressed that she had no serious objection to the proceedings being quashed.

9. The learned Single Judge, while considering the matter, noticed that learned Single Judges of this Court had expressed divergent views in similar cases. It was observed that the view taken in **Abdul Salam** (supra) was inconsistent with the approach adopted in **Vishnu and Others** (supra) and **XXXX v. State of Kerala** (supra). It was in order to resolve the said conflict and lay down the applicable legal principles that the present reference came to be made.

10. The learned counsel appearing for the petitioner invited our attention to the judgment of the Hon'ble Supreme Court in **Ayyub Malik and Ors. vs. State of Uttarakhand and Ors.**[4], and contended that the Apex Court had quashed criminal proceedings involving offences under the POCSO Act on the basis of the

[4] [2026 INSC 331]

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subsequent developments in the relationship between the accused and the victim. Reliance was also placed on the judgment rendered by the Delhi High Court on 16.04.2026 in **Harmeet Singh vs. State of GNCT Delhi and Anr**[5], wherein the proceedings were quashed in the peculiar circumstances arising from the settlement between the parties. According to the learned counsel, the said decisions demonstrate that the mere fact that an offence falls under the POCSO Act would not, by itself, place an absolute restriction on the exercise of the inherent powers of this Court. It was therefore contended that, particularly in cases involving offences of comparatively lesser gravity, this Court ought to examine the possibility of quashing the proceedings on the basis of a genuine and voluntary settlement.

11. The learned Public Prosecutor, on the other hand, submitted that, though the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, and the corresponding provision under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is of wide amplitude, the exercise of such jurisdiction is governed by well-recognised legal principles. The power can be exercised only to secure the ends of justice or to prevent the abuse of the process of any Court. It was contended that the power cannot be invoked to defeat the object of a special enactment intended to protect children from sexual abuse and

[5] 2026: DHC: 3142

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exploitation.

12. The learned Public Prosecutor, by placing reliance on the judgments of the Apex Court in **Gian Singh v. State of Punjab**[6] and **Narinder Singh v. State of Punjab**[7], submitted that heinous and serious offences involving mental depravity, including murder, rape and dacoity, cannot ordinarily be quashed merely because the victim or the victim's family has entered into a settlement with the accused. It was further submitted that such offences are not essentially private disputes between individuals, but offences which have a significant bearing on society at large.

13. Reliance was also placed on the judgment of the Apex Court in **Gopal Lodhi v. State of M.P. & Anr.**[8], wherein the Supreme Court reiterated the limitations governing the exercise of inherent jurisdiction in cases involving serious offences. The learned Public Prosecutor also referred to the decisions in **Jagdish Chanana & Ors. vs. State of Haryana and Anr.**[9], **Madan Mohan Abbot vs. State of Punjab**[10], **Shiji vs. Radhika and Anr.**[11], **Narinder Singh and Ors. vs.**

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6 [(2012) 10 SCC 303]
7 [(2014) 6 SCC 466]
8 [2026 INSC 1164]
9 [(2008) 15 SCC 704]
10 [(2008) 4 SCC 582]
11 [(2011) 10 SCC 705]

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State of Punjab[12], **Anita Maria Dias and Anr. vs. State of Maharashtra and Anr.**[13] and **Gian Singh** (supra), and highlighted the distinction between private disputes capable of settlement and serious criminal offences having a wider societal impact.

14. We have considered the rival submissions advanced before us.

15. The question that arises for consideration is whether the inherent powers of this Court can be exercised to terminate proceedings involving offences under the POCSO Act solely on the ground that the victim, upon attaining majority, has entered into a settlement with the accused or has expressed her willingness to withdraw from the prosecution.

16. At the outset, it is necessary to bear in mind that the POCSO Act is a special legislation enacted with the specific object of protecting children from sexual assault, sexual harassment and exploitation. The enactment recognises the vulnerability of children and seeks to provide them with effective legal protection against sexual offences. The statutory framework is founded on the legislative recognition that a child may not possess the maturity, understanding or capacity to

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[12] [(2014) 6 SCC 466]
[13] [(2018) 3 SCC 290]

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comprehend the consequences of sexual conduct and that the law must intervene to protect the child from exploitation.

17. The offences under the POCSO Act are, therefore, not merely offences against an individual victim in the conventional sense. They implicate the larger public interest in protecting children and ensuring that they are able to grow in an environment free from sexual abuse and exploitation. The prosecution of such offences cannot be treated as a matter which the victim or her family is at liberty to terminate at will by entering into a private arrangement with the accused.

18. It is in this context that the distinction between compounding an offence and quashing criminal proceedings in exercise of the inherent powers of this Court assumes significance. The inherent jurisdiction under Section 482 of the CrPC is distinct from the power of compounding under Section 320 of the Code. The fact that an offence is non-compoundable does not, by itself, preclude the High Court from exercising its inherent jurisdiction in an appropriate case. However, the existence of such jurisdiction does not mean that every non-compoundable offence can be quashed merely because the parties have arrived at a settlement.

19. In **Gian Singh** (supra), a three-judge Bench of the Apex Court

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considered the scope of the inherent powers of the High Court to quash criminal proceedings on the basis of a settlement. The Apex Court held that the power under Section 482 of the CrPC is distinct from the power of compounding under Section 320. It was observed that the High Court may, in appropriate cases, quash proceedings involving non-compoundable offences where the dispute is predominantly private in nature and where such an exercise would secure the ends of justice. However, the Apex Court made it clear that offences which are heinous and serious in nature, involving mental depravity, or offences such as murder, rape and dacoity, cannot ordinarily be quashed on the basis of a settlement, as such offences have a serious impact on society and cannot be regarded as disputes having an essentially private character.

20. The principles laid down in **Gian Singh** (supra) were subsequently elaborated in **Narinder Singh** (supra). The Apex Court laid down the broad parameters to be considered by the High Courts while exercising their inherent jurisdiction on the basis of a settlement. It was specifically observed that offences involving serious crimes and those having a substantial impact on society should not be quashed merely because the parties have settled their differences. The nature and gravity of the offence, the circumstances in which it was committed and the

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impact of the crime on society are relevant considerations.

21. The principles laid down in the above decisions were reiterated by the Apex Court in **Parbatbhai Aahir v. State of Gujarat**[14], and **State of Madhya Pradesh v. Laxmi Narayan**[15]. The latter decision, in particular, emphasises that the nature and gravity of the offence, the impact on society and the likelihood of conviction are relevant considerations and that serious offences cannot be treated as private disputes merely because the parties have arrived at a compromise.

22. The position becomes even more significant when the offences alleged are under the POCSO Act. The statutory protection afforded to a child cannot be diluted by treating the subsequent willingness of the victim or the victim's family to settle the matter as sufficient justification for terminating the prosecution. The fact that the victim has attained majority during the pendency of the proceedings does not retrospectively alter the legal character of the alleged act or extinguish the offence, if the ingredients of the offence were made out when the victim was a child.

23. In **State of Madhya Pradesh v. Madanlal** [16], the Apex Court

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14 [(2017) 9 SCC 641]
15 [(2019) 5 SCC 688]
16 [(2015) 7 SCC 681]

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emphatically held that an offence of rape cannot be treated as a matter capable of settlement between the accused and the victim. The Court cautioned against adopting a liberal approach on the ground that the victim or her family had agreed to a compromise or that the accused was willing to marry the victim. The Apex Court observed that the dignity and bodily integrity of the victim cannot be made the subject matter of a negotiated settlement. The same principle was reiterated in **Shimbhu and Another v. State of Haryana**[17], wherein the Apex Court held that a compromise or an offer of marriage cannot constitute a mitigating circumstance to dilute the gravity of an offence of rape.

24. In **Ramji Lal Bairwa V. The State of Rajasthan**[18], the facts were that the father of a 16-year-old Class XI student got an FIR registered alleging that the accused, who was none other than a teacher, molested the girl by touching her cheeks, inserting his hand into her bodice and rubbing her breast, and then hurled caste-based abuses. Offences were invoked under Sections 354A, 342, 509 and 504 IPC, Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO), and Sections 3(1)(r), 3(1)(s), 3(1)(b) & 3(2)(vii) of the SC/ST (Prevention of Atrocities) Act, 1989. Relying on a compromise entered into between the parties,

[17] [(2014) 13 SCC 318]
[18] 2024 SCC ONLINE SC 3193

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a learned Single Judge of the Rajasthan High Court quashed the FIR and all consequential proceedings, relying on the principles of law laid down in **Gian Singh** (supra). The matter was taken up before the Hon'ble Supreme Court, which converted the matter into a Special Leave Petition (Criminal Appeal No. 3403 of 2023) under Article 136, appointed an amicus curiae, and heard all parties, including the Delhi Commission for Protection of Child Rights. The Hon'ble Court, while setting aside the order quashing the proceedings, observed as under:

> 45. In the decision relied on by the High Court to quash the proceedings viz. Gian Singh case [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] and the decision in Laxmi Narayan case [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688 : (2019) 2 SCC (Cri) 706] in unambiguous terms this Court held that the power under Section 482 CrPC could not be used to quash proceedings based on compromise if it is in respect of heinous offence which are not private in nature and have a serious impact on the society. When an incident of the aforesaid nature and gravity allegedly occurred in a higher secondary school, that too from a teacher, it cannot be simply described as an offence which is purely private in nature and has no serious impact on the society.
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> 46. In view of the reasons as aforesaid and in the light of the decisions referred supra, the impugned order dated 4-2-2022 of the High Court in Vimal Kumar Gupta v. State of Rajasthan [Vimal Kumar Gupta v. State of Rajasthan, 2022 SCC OnLine Raj 3564] , quashing

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> FIR No. 6/2022 dated 8-1-2022 and all further proceedings pursuant thereto solely on the ground that the accused and the complainant had settled the matter, invites interference. We have no hesitation to hold that in cases of this nature, the fact that in view of compromise entered into between the parties, the chance of a conviction is remote and bleak also cannot be a ground to abruptly terminate the investigation, by quashing FIR and all further proceedings pursuant thereto, by invoking the power under Section 482CrPC. (emphasis supplied)

25. In **Madanlal** (supra), the Apex Court, while considering the question whether a compromise entered into between the parties could be construed as a factor based on which lesser punishment can be awarded, relied on the law laid down in **Shimbhu** (supra) and observed as under:

> 17. In this context, it is profitable to reproduce a passage from Shimbhu v. State of Haryana [(2014) 13 SCC 318 : (2014) 5 SCC (Cri) 651] wherein, a three-Judge Bench has ruled thus : (SCC pp. 328-29, para 20)
>
> > "20. Further, a compromise entered into between the parties cannot be construed as a leading factor based on which lesser punishment can be awarded. Rape is a non-compoundable offence and it is an offence against the society and is not a matter to be left for the parties to compromise and settle. Since the court cannot always be assured that the consent given by the victim in

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> compromising the case is a genuine consent, there is every chance that she might have been pressurised by the convicts or the trauma undergone by her all the years might have compelled her to opt for a compromise. In fact, accepting this proposition will put an additional burden on the victim. The accused may use all his influence to pressurise her for a compromise. So, in the interest of justice and to avoid unnecessary pressure/harassment to the victim, it would not be safe in considering the compromise arrived at between the parties in rape cases to be a ground for the court to exercise the discretionary power under the proviso of Section 376(2) IPC."

18. The aforesaid view was expressed while dealing with the imposition of sentence. We would like to clearly state that in a case of rape or attempt to rape, the conception of compromise under no circumstances can really be thought of. These are crimes against the body of a woman which is her own temple. These are the offences which suffocate the breath of life and sully the reputation. And reputation, needless to emphasise, is the richest jewel one can conceive of in life. No one would allow it to be extinguished. When a human frame is defiled, the "purest treasure", is lost. Dignity of a woman is a part of her non-perishable and immortal self and no one should ever think of painting it in clay. There cannot be a compromise or settlement as it would be against her honour which matters the most. It is sacrosanct. Sometimes solace is given that the perpetrator of the crime has acceded to enter into wedlock with her which is nothing but putting pressure in an adroit manner; and we say with emphasis that the courts are to remain absolutely away

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> from this subterfuge to adopt a soft approach to the case, for any kind of liberal approach has to be put in the compartment of spectacular error. Or to put it differently, it would be in the realm of a sanctuary of error.

26. The ratio emerging from these decisions is that the criminality of an act cannot be extinguished merely by a subsequent arrangement or a compromise between the accused and the victim, especially in sexual assault cases and rape. The victim's willingness to forgive the accused, or the desire of the family to put an end to the proceedings, cannot by itself determine whether a prosecution involving a serious sexual offence should be permitted to continue. The Court is required to examine the nature of the offence, the legislative policy underlying the enactment and the larger public interest involved.

27. We also find it necessary to refer to the judgment of the Apex Court in **Just Rights for Children Alliance and Another v. S. Harish and Others**[19]. In the said case, the Supreme Court considered the scope and object of the POCSO Act while examining the legality of an order passed by the Madras High Court quashing proceedings involving offences under Section 15(1) of the POCSO Act and Section 67B of the Information Technology Act, 2000. The Apex Court set aside the order of

[19] [2024 INSC 716]

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the High Court and restored the criminal proceedings. The judgment emphasises the need to interpret and enforce the POCSO Act in a manner that advances its protective object and recognises the serious and lasting consequences of sexual exploitation of children. Though the said decision did not directly concern a settlement between the victim and the accused, the principles laid down therein reinforce the need for considerable judicial circumspection before terminating a prosecution involving offences against children.

28. The learned counsel appearing for the petitioner has placed considerable reliance on **Ayyub Malik** (supra). In the said case, the Apex Court quashed proceedings involving offences under Sections 5(8) and 6 of the POCSO Act, along with offences under the Indian Penal Code. It is necessary, however, to examine the peculiar factual circumstances in which the Apex Court exercised its jurisdiction. In that case, the accused and the victim had entered into a matrimonial relationship and had been living together as husband and wife for several years. The victim had herself approached the Court along with the accused, supporting the request for quashing the proceedings. A child had also been born in the wedlock. The Apex Court took note of the fact that the parties had voluntarily entered into the matrimonial relationship, were residing together peacefully and were desirous of

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continuing their married life. The Court, in the peculiar circumstances of that case, held that the continuation of the criminal proceedings would amount to an abuse of the process of law and quashed the same in the interests of rendering complete justice.

29. It is significant to note that the decision in **Ayyub Malik** (supra) was rendered in the context of an established matrimonial relationship, the subsequent birth of a child and the parties' continued cohabitation over several years. The judgment cannot be understood as laying down a general proposition that offences under the POCSO Act can be quashed whenever the victim or her family expresses a willingness to settle the matter. Nor can it be construed as recognising an unrestricted right in the accused to seek termination of proceedings on the basis of a subsequent settlement.

30. In **Harmeet Singh** (supra), relied upon by the learned counsel, the petitioner had approached the High Court by filing a petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash an FIR registered for the offences punishable under Section 64(1) of the Bharatiya Nyaya Sanhita, 2023, and Section 6 of the POCSO Act. At the time of the alleged incident, the prosecutrix was approximately 17 years

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of age. The parties contended that they had solemnised their marriage on 04.09.2024 and that a child was born to them on 12.06.2025. A copy of the Marriage Certificate was also produced before the learned Single Judge. The FIR had been registered pursuant to information furnished by the doctors at Safdarjung Hospital, who, upon examination, had noticed that the mother was a minor. The victim thereafter filed an affidavit stating that she had no grievance against the petitioner, that she had married him voluntarily and that she was residing with him along with their child. The State also submitted that it had no objection to the quashing of the proceedings. The learned Single Judge, after examining the facts and circumstances of the case, observed that, if the accused were to be imprisoned, the victim and the child would be left without any means of support or sustenance. Taking note of the peculiar circumstances, particularly the subsisting matrimonial relationship, the birth of the child and the welfare of the victim and the child, the learned Single Judge allowed the petition and quashed the criminal proceedings.

31. The facts of the present case stand on an entirely different footing. The allegation is that the accused, who was an Ustad of the Madrassa where the child was studying, had committed repeated sexual assault of a 17-year-old child. There is no subsequent matrimonial relationship or other comparable circumstance

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which could bring the present case within the exceptional factual situation considered by the Apex Court in **Ayyub Malik** (supra) or in **Harmeet Singh** (supra). The subsequent affidavit filed by the victim, after attaining majority, cannot by itself be treated as sufficient to bring the case within the ratio of the said decision.

32. We also find it appropriate to refer to the recent decision of the Apex Court in **Gopal Lodhi** (supra). Though the said case did not arise under the POCSO Act, the Apex Court had occasion to examine the propriety of quashing serious criminal proceedings, including allegations of rape, on the basis of a settlement. The Apex Court expressed serious concern regarding the practice of terminating criminal proceedings involving grave offences merely because the parties had arrived at a compromise. The Court specifically noticed the possibility of victims being subjected to pressure, coercion or inducement to enter into settlements. It was observed as under:

> 10…….However, quashing of a case under Section 482 relying solely on a compromise, especially when it is a non-compoundable offence, would be stepping outside the jurisdiction under Section 482 that too in violation of the power conferred under Section 320. We are not only concerned with the settlements which could be arrived at on coercion by the accused

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> but also apprehensive of the multiplicity of such false complaints being made, with the lure of a future settlement being arrived it.
>
> 11. We are not prima facie satisfied that the cases referred to by the learned Single Judge of the High Court would enable invocation of the power under Section 528 to quash the complaint, on a compromise where a heinous offence of rape is alleged; the powers of Section 482 still being distinct, but such examination of the case having not been done.

33. The observations made in **Gopal Lodhi** (supra) assume considerable significance in cases involving offences against children. A settlement or affidavit furnished by the victim cannot invariably be treated as a free and voluntary expression of her wishes, particularly when the accused may have exercised influence or authority over the victim or when the victim is dependent on the accused or the accused's family. The Court must remain alive to the possibility that a settlement may be the result of pressure, social circumstances, economic dependence or other forms of inducement.

34. It is precisely for this reason that the Court cannot abdicate its responsibility by accepting a settlement at face value. The inherent powers of this Court are required to be exercised independently, having regard to the nature of the

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allegations, the materials collected during investigation and the larger interests of justice.

35. Having regard to the above principles, we are of the view that the question whether a particular offence under the POCSO Act is of lesser or greater gravity cannot, by itself, furnish a basis for terminating the prosecution on the ground of settlement. The fact that an offence may fall under Sections 7 and 8, as distinguished from more aggravated forms of sexual assault, does not automatically render the dispute a private one capable of being settled between the parties. The statutory scheme of the POCSO Act does not recognise any distinction whereby offences of comparatively lesser gravity can be compounded or brought to an end merely at the instance of the victim.

36. The expression 'lesser gravity', as expressed by the learned Single Judge, cannot be employed to dilute the legislative intent underlying the enactment. Even an act of sexual assault involving physical contact of a child, though not accompanied by the more aggravated forms of sexual violence, may have serious consequences for the child's dignity, bodily integrity and psychological well-being. The nature of the act, the age of the child, the relationship between the accused and the victim, the circumstances in which the alleged offence was committed, and

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the position of trust or authority occupied by the accused are all relevant considerations.

37. In the present case, we are not called upon to consider the contentions advanced by the petitioner on its merits.

38. We are, therefore, of the considered view that a prosecution involving offences under the POCSO Act cannot be quashed merely on the ground that the victim, after attaining majority, has filed an affidavit expressing no objection to the termination of the proceedings, or that the victim's family has entered into a settlement with the accused. Such an approach would not only undermine the protective object of the POCSO Act but could also expose vulnerable victims to pressure and inducement to withdraw from the prosecution. The criminal justice system cannot permit offences against children to be converted into private disputes capable of being resolved through a negotiated settlement.

39. However, it is equally important to clarify that the above principle does not take away the inherent jurisdiction of this Court to quash proceedings in an appropriate case. The power under Section 482 of the CrPC or Section 528 of the BNSS, as applicable, is intended to secure the ends of justice and prevent the abuse

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of the process of law. There may be cases where, upon an examination of the allegations in the First Information Report, the final report and the materials collected during investigation, the Court finds that the essential ingredients of the alleged offence are not made out, that the allegations are inherently improbable, or that the proceedings are manifestly frivolous or vexatious. In such circumstances, this Court would certainly be justified in exercising its inherent jurisdiction in accordance with the principles laid down in **State of Haryana v. Bhajan Lal**[20]. The distinction is that the power must be exercised on the basis of the merits of the case and the recognised parameters governing the exercise of inherent jurisdiction, and not merely because the victim or her family has agreed to a settlement. A settlement may form part of the factual background, but it cannot, by itself, constitute the legal foundation for quashing a prosecution involving offences under the POCSO Act.

40. In the light of the above discussion, we answer the reference by holding that criminal proceedings involving offences under the POCSO Act cannot ordinarily be quashed in exercise of the inherent powers of this Court solely on the basis of a settlement or compromise between the accused and the victim or the victim's family, even where the offence is alleged to be of comparatively lesser

[20] [1992 Supp (1) SCC 335]

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gravity. The nature of the offence and the protective object of the POCSO Act preclude the treatment of such proceedings as purely private disputes capable of being terminated by agreement between the parties. However, nothing stated above shall preclude the learned Single Judge from exercising the inherent jurisdiction of this Court in an appropriate case where, upon an independent examination of the allegations and the materials on record, it is found that the proceedings are frivolous, vexatious, inherently improbable or otherwise amount to an abuse of the process of the Court. Such power shall, however, be exercised strictly within the parameters laid down by the Apex Court and not merely on the basis of a settlement.

41. The reference is answered accordingly.

The matter shall be placed before the learned Single Judge for consideration of the petition on its merits in the light of the principles laid down herein.

Sd/-
RAJA VIJAYARAGHAVAN V,
JUDGE

Sd/-
K.V. JAYAKUMAR,
JUDGE

APM/ps