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CRL MP No. 4725 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 4725 of 2026

IN

CRL A NO. 274 OF 2026

Rajesh Kumar
S/o.Jayaraman,
Puthumanai Street,
Korattur, Ulundurpet,
Villupuram.

..Petitioner(s)

Vs

State Rep. by The Inspector of Police
All Women Police Station,
Ulundurpet,
Villupuram District.
Crime No. 13/2017.

..Respondent(s)

CRL A No. 274 of 2026

Rajesh Kumar
S/o.Jayaraman, Puthumanai Street, Korattur,
Ulundurpet, Villupuram.

..Petitioner(s)

Vs

State Rep. by The Inspector of Police
All Women Police Station, Ulundurpet,
Villupuram District. Crime No. 13/2017.

..Respondent(s)

Prayer: This Criminal Miscellaneous Petition filed under Section 430 (1) of BNSS, 2023 praying to suspend the conviction and sentence imposed by the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court) Villupuram by Judgment dated 21.09.2023 in S.C.No.218 of 2018 pending disposal of the main Appeal.



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For Petitioner(s):

Mr.D.Bennington

For Respondent(s):

Mrs.Sharada Vivek

Counsel for Government of Tamilnadu (Crl. Side)

Assisted by Mr.M.Arul Raj

Order

The petitioner/Accused in S.C.No.218 of 2018 was convicted by the Trial Court, by the judgment dated 21.09.2023, for the offence under Sections 376 and 417 of I.P.C. and sentenced to undergo ten years rigorous imprisonment and to pay a fine amount of Rs.10,000/-, in default, to undergo three months simple imprisonment, for the offence under Section 376 of I.P.C. and sentenced to undergo one year rigorous imprisonment and to pay a fine amount of Rs.1,000/-, in default, to undergo one month simple imprisonment, for the offence under Section 417 of I.P.C. The sentences were ordered to be run concurrently. Aggrieved against the said conviction, the petitioner has preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

2.This Court, on 03.06.2026, 13.07.2026 and 27.07.2026 had passed the following orders:

“Proceedings dated 03.06.2026

This application has been filed for suspending the sentence awarded by the Sessions Court, Fast Track Mahila Court, Villupuram in its judgment dated 21.09.2023 in S.C.No.218 of 2018.



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2. By the impugned judgement, the Petitioner has been awarded with rigorous imprisonment of 10 years for the offence under Section 376 and 1 year of rigorous imprisonment for the offence under Section 417 of IPC.

3. There is no dispute that the Petitioner had physical intimacy with the victim P.W.1 and that out of the aforesaid intimacy a child was also born who is currently under the care of the victim. The victim appears to be of aged 20 years approximately on the date of the complaint in (Ex.P1) dated 30.07.2017. The incident is said to have taken place on 24.12.2016 and 26.12.2016. The said child is said to have been born on 18.09.2017. The paternity was also established as the Petitioner has sired the said child on account of the physical intimacy between the Petitioner and the victim (P.W.1).

4. It is informed that the victim is keen on settling in matrimony with the accused for the sake of the Welfare of the girl child born on 18.09.2017.

5. Considering the above, the fact that the welfare of the minor girl child is involved in this case, I am inclined to refer the matter for Mediation between the parties.

6. The Respondent is directed to ensure that the victim is available before the High Court Annexed Mediation Centre on 22.06.2026 on which day, the Petitioner shall be produced.

7. List the case on 13.07.2026 along with the Mediation Report.

Proceedings dated 13.07.2026

This Court, by order dated 03.06.2026, referred the matter for mediation. The victim in this case has expressed her willingness to reunite with the appellant, who is the biological father of the child. The matter was listed for mediation on 25.06.2026, 07.07.2026 and



10.07.2026. However, the appellant did not participate in the mediation proceedings.

2. The learned counsel for the appellant submitted that the appellant is is confined in Central Prison, Cuddalore and is willing to participate in the mediation and resolve the dispute.

3. In view of the above, as the next mediation session is scheduled on 23.07.2026, at 10.30 a.m., the Superintendent, Central Prison, Cuddalore, is directed to produce the appellant, Rajesh Kumar, before the High Court Annexed Mediation Centre to facilitate his participation. The Mediator has also sought an extension of time. Accordingly, the request is granted.

4. Post the matter on 27.07.2026.

5. In the meantime, it is open to the appellant to file an affidavit affirming his willingness to resolve the dispute, accept the defacto complainant as his wife and child born to them.

Proceedings dated 27.07.2026

Pursuant to the order passed by this Court on 13.07.2026, the mediation proceedings were held on 23.07.2026. The appellant was produced before the Mediation Centre on the said date and expressed his willingness to marry the victim. However, the de facto complainant, who is the father of the victim, and the victim did not appear before the Mediation Centre. Hence, the mediation could not be concluded.

2. The learned counsel for the appellant submitted that the mediation is now scheduled on 28.07.2026. He prayed for a similar order to facilitate the production of the petitioner/appellant before the Mediation Centre.

3. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that both the victim and the de



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facto complainant had appeared on the earlier date of the mediation proceedings. However, on 23.07.2026, the victim could not appear due to ill health. It was further submitted that the victim had informed the respondent police that she would appear before the Mediation Centre along with her father on 28.07.2026.

4. At this juncture, the learned counsel for the appellant submitted that the appellant is also ready to file an affidavit on the said date, confirming his willingness to marry the victim.

5. In response, the learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the victim is also inclined to accept the proposal, provided the appellant's willingness is found to be true and agreeable.

6. In view of the above, the Superintendent, Central Prison, Cuddalore, is directed to produce the appellant, Rajesh Kumar, before the Mediation Centre on 28.07.2026, and on future dates as may be fixed by the Mediation Centre, so as to facilitate mediation and an amicable resolution of the dispute.

7. Post this matter before this Court on 18.08.2026.

8. It is made clear that, in the meantime, if the mediation succeeds and the dispute is resolved, the appellant is at liberty to mention the matter before this Court for early listing."

3. In continuation and conjunction to the earlier orders passed by this Court on 03.06.2026, 13.07.2026 and 27.07.2026, today the learned counsel for the petitioner submitted that the issue between the petitioner and the de facto complainant/victim now resolved after the matter was referred to the Mediation. The petitioner is ready to marry the de facto complainant, who is also agreeable to the same. They have also filed a Settlement Agreement before the Mediation



Centre. The Mediation Report along with Settlement Agreement and Affidavit of petitioner produced before this Court. A scanned reproduction of the Settlement Agreement and Affidavit read as follows:

SETTLEMENT AGREEMENT

This Settlement Agreement entered into on this 28th day of July 2026 between **J. RAJESH KUMAR**, Son of Jayaraman, aged about 39 years residing at Puthumani Street, Korattur, Ulundurpet, Villupuram District, presently confined in Central Prison, Cuddalore, Party of First Part

And

SABEENA, daughter of Navappan, aged about 29 years, 2/451, Mariamman Kovil Street, Ulundurpettai, Korattur, Villupuram-606102, Party of Second Part

Whereas

1. Disputes and difference had arisen between the Parties hereto and the party of 2nd part has lodged complaint with Inspector of Police, All Women Police station, Ulundurpet and based on the same charge sheet has been filed and the same was taken on file by Sessions Judge, Magalur Needhimundram, (Fast Track Mahila Court), Villupuram in S.C.No. 218 of 2018 and by ay of judgment dated 21.09.2023 the party of First Part was convicted and against which the Party of the First Part preferred appeal in Crl.Appeal.No. 274 of 2026 before the Hon'ble High Court of Judicature at Madras.
2. The Matter was referred to mediation vide an order dated 23.06.2026 passed by the Hon'ble High Court of Judicature at Madras.
3. The Parties agreed that Mrs. ^{D.}Prasanna would act as their Mediator.
4. Several Meeting were held during the process of Mediation from 25.06.2026 to 28.07.2026 and the parties have with the assistance of Mediator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.
5. The Parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator.

J. Rajesh Kumar

SABEENA



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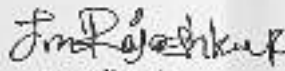
6. The Following Settlement has been arrived at between the parties hereto:

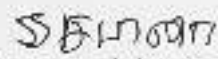
- i. During the pendency of the above appeal, the parties in the presence of their respective family members and well-wishers and have amicably resolved all their disputes.
- ii. The parties submit that they have decided to put an end to their differences and have voluntarily agreed to marry each other. The decision has been taken by both of them out of their own free will, without any force, coercion, undue influence or threat from any person.
- iii. The First Party undertakes that he will treat the de facto complainant with dignity and respect, take proper care of her and discharge all his marital obligations. The defacto complainant has also voluntarily agreed to marry the Appellant and to lead a peaceful matrimonial life with him.

7. By signing this agreement the parties hereto state that they have no further claims or demands against each other with respect Crl.A.No. 274 of 2026 pending on the file of High Court of Judicature at Madras filed against the Judgement dated 21.09.2023 passed by Sessions Judge, Magalir Needhimandram, (Fast Track Mahila Court), Villupuram in S.C.No. 218 of 2018 and all disputes and differences in this regard have been amicable settled by the Parties hereto through the process of mediation.

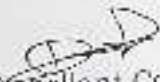
Date: 28.07.2026

Parties Signature :


Appellant


Defacto Complainant

Counsel's signature :


Appellant Counsel



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Crl.A.No. 274 of 2026
against

S.C.No. 218 of 2018

(on the file of Sessions Judge, Magalir Needhimandram, (Fast Track
Mahila Court), VillupuramRajesh Kumar, M/A 39 years
S/o, Jayaraman,
Puthumanai Street,
Korattur,
Ulundurpet,
Villupuram

... Appellant/Single Accused

Vs

State rep. by
The Inspector of Police
All Women Police Station, Ulundurpet
Villupuram District.
(Crime No.13/2017)

....Respondent /Complainant

AFFIDVIT OF RAJESH KUMAR

I, Rajesh Kumar, Son of Jayaraman, aged about 39 years residing at Puthumanai Street, Korattur, Ulundurpet, Villupuram District, presently confined in Central Prison, Cuddalore The Petitioner begs to submit as follows:

1. I submit that I am the Petitioner herein and Appellant in the above appeal as such I am well acquainted with the facts and circumstances of the case.
2. I submit that I have preferred above Criminal Appeal against the conviction and sentence imposed by the Sessions Judge, Magalir Needhimandram, (Fast Track Mahila Court), Villupuram by judgment dated 21.09.2023 in S.C.No. 218 of 2018.



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3. I submit that I am willing to marry the de facto complainant. I am making this decision on my own, with my free will and full consent, without any force, pressure or influence from anyone.

4. I further submit that I have genuine respect and concern for the de facto complainant and I am prepared to lead a peaceful and responsible married life with her, if she is also willing to marry me.

I therefore pray that this Hon'ble Court may be pleased to record this affidavit and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Solemnly affirmed at Chennai
On this day of July 2026
And the contents were explained
To him and signed his name in my presence

J. Rajeshkumar
Before me

J. Babu HC 2351

J. Babu HC 2351

4. The learned counsel for Government of Tamilnadu (Crl. Side) submitted that the case of the prosecution is that the accused / Rajeshkumar had expressed his love towards the victim/defacto complainant and his intention to marry her and she rejected the same on the ground that her parents won't permit her to marry him. While so, on 24.12.2016 at about 10.00 hours, the victim was washing cloths in the pump set of the land of his paternal uncle wherein he was a lease holder. At that time, the accused had followed her and pulled her hands and took her to the nearby sugarcane field and gagged her mouth with a shawl



and raped her and two days thereafter, while the victim was alone at her paternal uncle house, he had come to the house and forcefully committed sexual intercourse. After the medical examination it revealed that the victim was 8 months pregnant. Based on the complaint, a case was registered in All Women Police Station, Ulundurpet, Kallakurichi District, in Crime No.13 of 2017, under Section 417, 376, 352, 506(ii) IPC against the accused on 30.07.2017 at about 08.00 hours by the Sub Inspector of Police and submitted before the Inspector of Police for investigation. She further submitted that after completion of investigation, the Investigation Officer altered the offence under section 294 (b), 341, 417, 376, 352 & 506 (i) I.P.C. and Section 4 of TNPHW Act and filed charge sheet before the learned Judicial Magistrate No-II, Ulundurpet and the same was taken on file. Later the case was committed before the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram vide S.C.No.218 of 2018.

5.The learned counsel for Government of Tamilnadu fairly submitted that the respondent police also attended the Mediation and confirmed that during Mediation, the issue between the petitioner and the de facto complainant resolved. In view of the above settlement, this Court is inclined to grant bail to the petitioner.



6. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on condition that the petitioner and the de facto complainant to have a marriage, subject to their mutual consent, get their marriage registered and produce a copy of the marriage certificate before this Court.

7. Further, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.

8. Further, the petitioner shall appear before the Trial Court once in three months on the first working day at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence as directed by the Trial Court.

9. On breach of any of the aforementioned conditions, the learned Trial Judge is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by herself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** [(2005) 13 SCC 5560].



10. Accordingly, this Criminal Miscellaneous Petition is ordered.

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18-08-2026
(2/2)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RSI

Note: Issue order copy on 18.08.2026.

To

- 1.The Sessions Judge,
Magalir Neethimandram,
(Fast Track Mahila Court),
Villupuram.
- 2.The Inspector of Police
All Women Police Station,
Ulundurpet, Villupuram District.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR J.

RSI

**CRL MP No. 4725 of 2026
IN
CRL A NO. 274 OF 2026**

**18-08-2026
(2/2)**