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CRL OP No. 15362 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 15362 of 2026
and CRL.MP.No.10000 of 2026**

Rajkumar

..Petitioner(s)

Vs

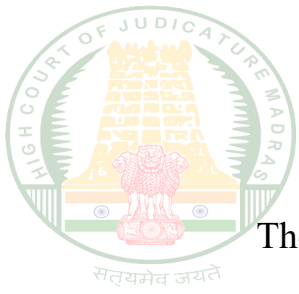
1.State rep.by
The Inspector of Police,
W15 All women Police station,
Royapuram,
Chennai-13.
2.Desapattu

..Respondent(s)

To call for the records pertaining to Spl.SC.No.101/2023 on 25.07.2022 on the file of the Magalir Neethi Mandram at Allikulam, Chennai and quash the same and pass such any further or other orders as this Honble court.

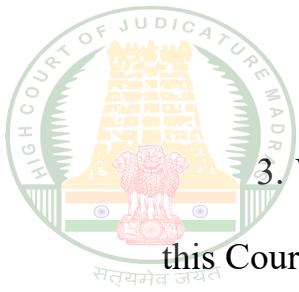
For Petitioner(s): Mr.R.Balachander

For Respondent(s): Mr.R.Rajasekaran, G.A.(Crl. Side), for R1

**ORDER**

The petitioner, who is facing trial in Spl.SC.No.101 of 2023 on the file of the learned XVI metropolitan Magistrate, George town, Chennai, has filed this petition to quash the criminal proceedings.

2. The case of the prosecution is that the victim had completed 12th standard and was residing with her parents. On 11.07.2012 at about 11.00 a.m., she left her house to go to a nearby shop but did not return. Consequently, the second respondent, victim's mother, lodged a girl missing complaint before the respondent Police. During the course of investigation, the victim was traced by the respondent Police at the Tiruvanmiyur bus stand. Upon enquiry, the victim disclosed that the petitioner used to visit her house frequently and that they were in a love relationship. She further stated that they had gone to Puducherry with the intention of getting married and returned to Chennai. The petitioner had sexual intercourse with her on several occasions. In view of the above, the case was altered to one under Section 366 IPC, 5(1) r/w 6 of Protection of Children from Sexual Offence Act. Upon completion of the investigation, a final report was filed and the same has been taken on file in Spl.SC.No.101 of 2023 on 25.07.2022 on the file of the Magalir Neethi Mandram at Allikulam, Chennai.



3. When the matter came up for hearing before this Court on 18.06.2026, this Court passed the following orders:

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“The petitioner / accused, who is facing trial in Spl.S.C.No.101 of 2023 for offences under Sections 366 of IPC and, 5(1) read with 6 of POCSO Act, 2012, has filed this quash petition on the ground that he and the victim solemnized their marriage on 05.02.2023 in accordance with family customs and rituals. Both the family members and relatives participated in the marriage. Subsequently, the victim grew interested in living with another person. Consequently, she deserted the petitioner, left the matrimonial home, and is currently residing with that individual. The victim’s mother (P.W.1) and the victim herself (P.W.2) have confirmed these facts. In her statement recorded under Section 164 of the Cr.P.C., the victim admitted to being in a relationship with the other person. Under these circumstances, it is contended that the trial Court failed to consider the evidence of P.W.1 and P.W.2, and erroneously held that the subsequent developments would not absolve the petitioner.

2. The learned counsel for the respondent police confirmed that the petitioner and the victim married, and that at the time of the marriage, the victim was aged about 17 years and a few months. The parents of both the petitioner and the victim participated in the marriage. Thereafter, the victim entered into a relationship with another person and currently residing with him, begotten a child, and is living happily. In this case, out of 9 listed witnesses, 8 witnesses examined, L.W.5 dispensed with. All 8 examined witnesses supported the case of the prosecution. In this regard, P.W.1 and P.W.2 admitted the second relationship. Since



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the trial is now at the final stage, the respondent police strongly opposes this quash petition.

3. In view of the above submissions, it is seen that the petitioner and the victim got married, later the victim entered into a relationship with another person, with whom she is now residing, has a child, living happily. Both the victim and her mother, examined as P.W.2 and P.W.1 respectively deposed before the trial Court confirming the same.

4. Hence, the respondent police is directed to serve notice upon P.W.1 (mother) and P.W.2 (victim), verify the submissions made and file a report.

5. Post the matter on 25.06.2026.

4. In continuation and conjunction of the above orders, this Court proceeds to pass the following order.

5. In compliance with the directions issued by this Court, the victim girl appeared before this Court along with her present husband, Kamalesh, and her child. It was brought to the notice of this Court that the child, was born to Kamalesh, on 11.05.2025 at RSRM Hospital, Royapuram. The victim confirmed that she is presently residing with her husband, Kamalesh, and they are leading a peaceful matrimonial life.

6. The second respondent/de facto complainant, who is the mother of the victim, also present before this Court. She submitted that though the marriage of



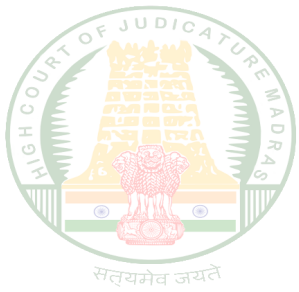
the victim with the petitioner had earlier been proposed by the family, the victim continued her relationship with her school friend, Kamalesh. Since the victim was not willing to discontinue the relationship and desired to marry Kamalesh, the second respondent ultimately accepted her daughter's decision and consented to their marriage.

7. Heard both sides and perused the materials available on record.

8. Considering the above submissions, it is evident that the petitioner has been made as a scapegoat in the present case. It is seen that the petitioner had earlier married the victim girl, however, she subsequently left him and is residing with her present husband Kamalesh.

9. The case is presently at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Both PW1 and PW2, who were identified by the respondent Police, have categorically stated before this Court that they are not inclined to pursue the case against the petitioner.

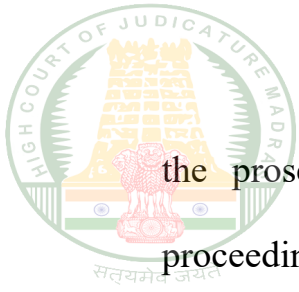
10. On interaction by this Court, the second respondent/defacto complainant stated that she has amicably settled the dispute with the petitioner and she is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.



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11. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioner. The Hon'ble Supreme Court, in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat*, reported in (2017) 9 SCC 641, has given sufficient guidelines that must be taken into consideration by this Court while exercising its jurisdiction under Section 482 of Cr.P.C. (corresponding to Section 528 BNSS), to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine if the crime in question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with overriding public interest even if they get settled between the parties, cannot be quashed by this Court.

12. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner and the second respondent and quashing the proceedings will not affect any overriding public interest in this case and no useful purpose will be served in continuing with the criminal proceedings. Further, the victim is now happily married to another person and has settled in her matrimonial life. The second respondent/de facto complainant has also expressed her unwillingness to pursue



the prosecution. In such circumstances, the continuation of the criminal proceedings against the petitioner would serve no useful purpose. Hence, this Court is inclined to quash the proceedings pending against the petitioner in Magalir Neethi Mandram at Allikulam, Chennai.

13. Accordingly, this Criminal Original Petition stands allowed and the proceedings in Spl.SC.No.101 of 2023 on the file of the learned Magalir Neethi Mandram at Allikulam, Chennai, is quashed. Consequently, connected miscellaneous petition is closed.

25-06-2026

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

To

1. The Inspector of Police,
W15 All women Police station,
Royapuram,
Chennai-13.
2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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