



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18801 of 2026

1. Santhosh
S/o.Murugavel,
No.58, 3rd Street, Sathiyasai Nagar,
KN Pettai, Cuddalore,
Cuddalore District.
2. Kavitha
W/o.Mohan,
Arulventhamman Kovil Street,
Thirumazhisai, Poothamalli Taluk,
Thiruvallur District.
3. Mohan
S/o.Kumarasamy,
Arulventhamman Kovil Street,
Thirumazhisai, Poothamalli Taluk,
Thiruvallur District.
4. Murugavel
S/o.Ramasmy,
No.58, 3rd Street, Sathiyasai Nagar,
KN Pettai, Cuddalore,
Cuddalore District.
5. Kalaiselvi
W/o.Murugavel,
No.58, 3rd Street, Sathiyasai Nagar,
K.N.Pettai, Cuddalore,
Cuddalore District.
6. Sangeetha
W/o.Prasanna,
No.58, 3rd Street, Sathiyasai Nagar,
K.N.Pettai, Cuddalore,
Cuddalore District.



7. Prasanna
S/o.Suresh,
No.58, 3rd Street,
Sathiyasai Nagar,
K.N.Pettai, Cuddalore,
Cuddalore District.

..Petitioner(s)

Vs

1. The State rep by the Inspector of Police
All Women Police Station,
Cuddalore.
Cuddalore District.
(Crime No.1 of 2025)

2. XXXXXX
D/o.XXXXXX,
No.11/5, 2nd Street,
MGR Nagar, Thirumazhisai,
Poothamalli Taluk,
Thiruvallur District.

..Respondent(s)

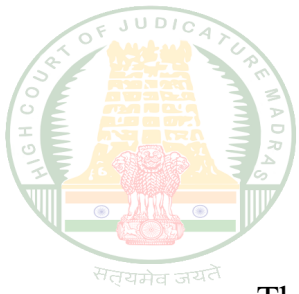
Pryaer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in connection with Spl.S.C.No.92/2025 from the learned Special Judge for POCSO Cases, Cuddalore District, Cuddalore, and Quash the Charge Sheet and pass such further or other order as this Honourable Court deem fit and proper in the circumstances of the case.

For Petitioner(s):

Mr.M.Velmurugan

For Respondent(s):

Mr.R.Rajasekaran
Government Counsel (Crl. Side) for R1



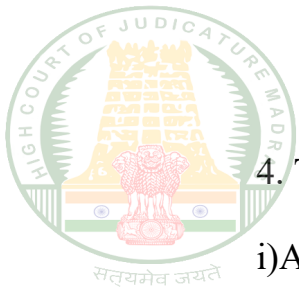
ORDER

WEB COPY

This Criminal Original Petition seeks to quash Spl.S.C.No. 92 of 2025 on the file of the learned Special Judge for POCSO Cases, Cuddalore District, Cuddalore for alleged offences under Sections 9, 10 & 11 of Prohibition of Child Marriage Act, 2006 r/w. Section 127(4) of BNS, 2023 r/w. Sections 5(1), 5(n), 5(j)(ii), 6 & 17 of the *Protection of Children from Sexual Offences Act, 2012*, (the POCSO Act) on the ground of compromise between the parties. The parties are present before the court and, on examination, stand by their compromise and do not want the case to proceed further.

2. The broad contours of the High Court's power to exercise extraordinary jurisdiction under Section 482 of the Cr.p.c. and Section 528 of the BNSS in respect of compromise of non-compoundable offences are laid down by the Hon'ble Supreme Court of India in *Gian Singh -Vs- State of Punjab and Another (2012 10 SCC 303)* and other subsequent judgments.

3. This is a serious case under the POCSO Act, with societal ramifications. As such, the Court will not rely solely on the version of the victim child/Prosecutrix but has a duty to consider the entire gamut of facts and attendant circumstances.



4. The following circumstances of this case are borne in mind :

i) A careful perusal of the allegations does not reveal a forceful assault or enticement under direct or indirect pressure, but the offence arises out of a premature adolescent romantic relationship rooted in mutual innocence and biological attraction;

ii) The victim child's date of birth is taken into account, and she has now turned a major;

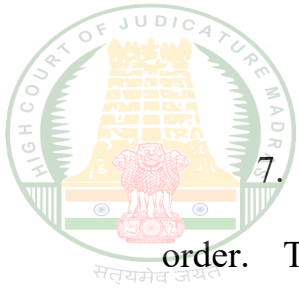
iii) It is submitted that the accused and the victim are married, share an emotional bond, and live as a family;

iv) They have a child born to them;

v) The accused is working as Poojari in the Temple and the family is eking out a lawful livelihood.

5. The fact that the prosecutrix or the family members are no longer interested in the prosecution, that they are not going to co-operate with the prosecution, and that there is no likelihood of a meaningful trial is also taken into account.

6. This Court, in *Vijayalakshmi and Another -Vs- State* (2021 SCC Online Mad 317), has already taken the view that such adolescent relationships should not result in the incarceration of the boy alone and has called for appropriate legislative action to deal with these cases separately.



7. The purpose of exercising extraordinary power is to maintain social order. The very purpose behind the POCSO Act will be lost if the trial is allowed to proceed in the instant case, which is, pure and simple, a private relationship between the accused and the victim child.

8. For all the above reasons, Crl.O.P. No. 18801 of 2026 is allowed. The Spl.S.C.No. 92 of 2025 on the file of the learned Special Judge for POCSO Cases, Cuddalore, Cuddalore District stands quashed.

15-07-2026

Neutral Citation: No

KKN

1. The Inspector of Police
All Women Police Station,
Cuddalore.
Cuddalore District.
2. The Special Judge for POCSO Cases,
Cuddalore, Cuddalore District.
3. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY

CRL OP No. 18801 of 2



D.BHARATHA CHAKRAVARTHY, J.

KKN

CRL OP No. 18801 of 2026

15-07-2026