



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 22008 of 2026

and

Crl.M.P.Nos.14594 & 14595 of 2026

1. Chandravel
S/o. Velmurugan,
No.245, Kaliyamman Kovil Street,
Rajendrapattinam Village,
Virudhachalam Taluk, Cuddalore District.
2. Velmurugan
S/o. Appasamy,
No.245, Kaliyamman Kovil Street,
Rajendrapattinam Village,
Virudhachalam Taluk, Cuddalore District.
3. Santhi
W/o. Velmurugan,
No.245, Kaliyamman Kovil Street,
Rajendrapattinam Village,
Virudhachalam Taluk, Cuddalore District.
4. Senthil
S/o. Subramaniyan,
Main Street, Thazhanallur,
Theevalur Post,
Thittagudi Taluk,
Cuddalore District.
5. Gowthami
W/o. Senthil,
Main Street, Thazhanallur,
Theevalur Post,
Thittagudi Taluk,
Cuddalore District.

..Petitioner(s)



Vs.

1. State Rep By, The Inspector of Police
All Women Police Station-Virudhachalam,
Cuddalore District.
Crime NO. 36 of 2024

2. Xxxx
D/o. XXXX,
XXXX,
Cuddalore District.

..Respondent(s)

Prayer: Petition filed under Section 528 of BNSS, praying to call for the entire records in connection with the Impugned Final report in Spl SC No.152 of 2025, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore and quash the same on the ground of compromise.

For Petitioner(s): Mr.M.Vijaya Ragavan

For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl. Side) for R1

ORDER

This Criminal Original Petition seeks to quash the Spl.S.C.No.152 of 2025, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, for alleged offences under Section 342 IPC and U/s.5(n), 5(l), 5(j)(ii) r/w. Section 6 of the *Protection of Children from Sexual Offences Act, 2012*, (the POCSO Act) and U/s.9 & 10 of Prohibition of Child Marriage Act, 2006 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.

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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 :

- 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;
- The victim child's date of birth is taken into account, and she has now turned a major;
- It is submitted that the accused and the victim are married, share an emotional bond, and live as a family;



- They have a female child born to them;
- The accused is working as a manual labour 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 SCCOnline 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, the Criminal Original Petition, is allowed. The Spl.S.C.No.152 of 2025, on the file of the learned Sessions Judge, Special



Court for Exclusive Trial of Cases under POCSO Act, Cuddalore stands quashed. Consequently, connected Miscellaneous Petitions are closed.

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Neutral Citation: Yes/No

DP

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases
under POCSO Act, Cuddalore.
2. The Inspector of Police
All Women Police Station-Virudhachalam,
Cuddalore District.
3. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

DP

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