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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 32556 of 2025

Moorthi

..Petitioner(s)

Vs

1. The State Rep. by the
   Inspector of Police,
   Nangavalli Police Station,
   Salem District.
   (Crime No.215 of 2022)
2. Abi

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 528 of BNSS to call for the records relating to Spl.S.C.No.65 of 2023 on the file of the Sessions Judge, Special Court for Exclusive Trail of cases under POCSO Act, Salem and quash the same as far as the petitioner is concerned and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner(s): Mr.V.Sakkarapani

For Respondent(s): Mr.R.Rajasekaran,
Government Advocate (Crl. Side), For R1

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ORDER

This Criminal Original Petition seeks to quash the proceedings in Spl.S.C.No.65 of 2023 on the file of the Sessions Judge, Special Court for Exclusive Trail of cases under POCSO Act, Salem, for alleged offences under Sections 366 of IPC & 5(l) r/w 6(1) of the Protection of Children from Sexual Offences Act, (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.

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

a. 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;

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

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

d. They have a child born to them;

e. 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.

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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.32556 of 2025, is allowed. The proceedings in Spl.S.C.No.65 of 2023 on the file of the Sessions Judge, Special Court for Exclusive Trail of cases under POCSO Act, Salem, stands quashed.

08-07-2026

Neutral Citation: No
PVS

To
1. The Sessions Judge, Special Court for Exclusive Trail of cases under POCSO Act, Salem
2. The Inspector of Police, Nangavalli Police Station, Salem District. (Crime No.215 of 2022)
3. The Public Prosecutor, High Court, Madras

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D.BHARATHA CHAKRAVARTHY, J.

PVS

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