



Crl.A.No.106 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27.11.2025
PRONOUNCED ON : 10.12.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.106 of 2020

Velayutham

... Appellant

Vs.

1.The State, represented by
Deputy Superintendent of Police,
Thiruvoilur,
All Women Police Station,
Thirukoilur,
Villupuram District.
(Crime No.56 of 2014).

2.Sathya kala

... Respondent

[2nd Respondent is impleaded as per
order dated 29.06.2022 in
Crl.M.P.No.8272 of 2022 in
Crl.A.No.106 of 2020.]

PRAYER: Criminal Appeal is filed under Section 374(2) of Criminal Procedure Code, to set aside the conviction and sentenced imposed in Spl.S.C.No.265 of 2015 dated 26.09.2019 passed by the Special Court of Sessions for SC & ST Prevention of Atrocities Act, 1989 at Villupuram.



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For Appellant : Mr.R.Sankarasubbu
For R1 : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor assisted by
Ms.Harshana.T
For R2 : Mr.P.Loganathan

JUDGMENT

The appellant was convicted by judgment dated 26.09.2019 in Special S.C.No.265 of 2015 by the learned Special Judge, Special Court for exclusive trial of cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram and sentenced to undergo one year Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months Simple Imprisonment for offence under Section 417 of IPC and further sentenced to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months Simple Imprisonment for offence under Section 376 IPC. A2 to A5 acquitted from the charges under Section 3(1)(10) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2014 and further, A3 to A5 were acquitted from the charges under Sectionn 506(i) IPC. Challenging the conviction and sentence, the present Criminal Appeal is filed by the appellant/A1.

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2.Gist of the prosecution case is that in this case, PW1 is the victim and PW2 & PW3 are her parents. On 15.11.2014, the victim lodged a complaint (Ex.P1) to PW14, Inspector of Police stating that PW1, a school dropout aged about 23 years, was residing at Athandamaruthur Colony, Thirukovilur Taluk and she belongs to Adi-Dravidar, a Scheduled Caste Community. The victim and the appellant belongs to Vanniyar, a Most Backward Caste community, both had love affair and physical relationship for two years prior to the complaint on several occasions at various places. Initially the victim opposed the love proposal of the appellant, since both belong to different community. The appellant promised the victim that he would marry her and was constantly behind her, believing the same, the victim accepted the appellant's love proposal and had relationship. On the promise of marriage, the appellant had physical relationship with the victim in her house when she was alone. Thereafter, on several occasions in the appellant's field and the victim became pregnant and when she insisted the appellant to marry her, the appellant informed he was in financial constraint, he could not marry her immediately and shall marry her later, further asked her to abort the foetus. Believing the words of the appellant, the victim aborted foetus in a private hospital, thereafter, the appellant started avoiding



the victim citing the community. Feeling cheated, the victim attempted suicide by consuming oleander seeds. The victim's parents PW2 and PW3 admitted victim in the Government Hospital, at that time, the victim disclosed the act of the appellant and being cheated by him. When the victim and her parents (PW1 to PW3) went to appellant's house and questioned, the appellant, his parents and family members abused and threatened the victim and her parents and chased them out stating that they belong to Scheduled Caste community and appellant cannot marry her and if the victim wants to marry somebody else they could bear the marriage expense. The appellant belongs to dominant community, nothing could be done, thereafter, the victim lodged a complaint to PW14, Inspector of Police.

3.PW14 received the complaint (Ex.P1), registered FIR (Ex.P9) in Crime No.56 of 2014 for offence under Sections 417, 376 & 313 of IPC r/w Sections 3(1)(r) & (s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2014 against the appellant/A1, his mother/A2 and three brothers/A3 to A5. Since the case registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, after getting authorisation (Ex.P11) from the



Superintendent of Police, PW16, Deputy Superintendent of Police took up investigation, visited the scene of occurrence, prepared Observation Mahazar (Ex.P12), Rough Sketch (Ex.P13) in presence of PW4 & PW5, examined the victim, her parents and others, recorded their statements, sent the victim to Government Villupuram Medical College and Hospital, Mundiyaibakkam where the Doctors (PW6 & PW7) examined the victim and issued Accident Register (Ex.P2) and Medical Certificate (Ex.P3). On the transfer of PW16, PW17 continued the investigation, examined the Doctors (PW6 & PW7), recorded their statements, arrested the appellant, produced before the Doctor (PW10) who examined and issued the Potency Certificate (Ex.P4). Thereafter, the community certificate (Ex.P10) of the victim collected from Tahsildar (PW13) and the community certificates of the appellant (Ex.P7) and his family members [Ex.P8 (4 Nos.)] collected from Tahsildar/PW11. On completion of investigation, PW17 filed charge sheet before the trial Court against the appellant/A1, his mother/A2 and his three brothers/A3 to A5.

4. During trial, the prosecution examined PW1 to PW17 and marked Exs.P1 to P13. On the side of the defence, no witness examined and no



document marked. On conclusion of trial, the trial Court acquitted A2 to A5 but convicted the appellant/A1 as stated above.

5.Learned counsel for the appellant submitted that the victim studied upto 9th std, thereafter, she discontinued her studies. During the relevant period, the victim was a major and employed as Coordinator in Mahatma Gandhi National Rural Employment Guarantee Scheme and she was a knowledgeable and worldly-wise person. The appellant was having own agriculture field, both the appellant and victim shown interest each other and developed a love relationship. The victim admits in the complaint (Ex.P1) that she had love relationship with the appellant for almost two years, during that period, both of them had physical relationship on several occasions at various places. Hence, the relationship between the appellant and victim was a voluntary. Though the victim stated that she had initially shown resistance in accepting appellant's love proposal, but later on the promise of the appellant she had given herself to the appellant. The victim had physical relationship voluntarily with the appellant on several occasions at various places is not in dispute. The Doctors (PW6 & PW7) examined the victim, issued medical records (Exs.P2 & P3) confirming no external injuries on her



body and her private parts. This further confirm there was no force or compulsion and it is was a consensual relationship between them. Added to it, the victim informed the Casualty Doctor (PW6) she had love relationship with the appellant and it was a consensual relationship which is recorded in the Accident Register (Ex.P2).

6.Learned counsel further submitted that the parents of the victim (PW2 & PW3) stated that the victim attempted suicide by consuming oleander seeds and she was taken to Government hospital for treatment and she survived. Thereafter, the victim and her parents went to the appellant's house, questioned the appellant's family about the act of the appellant. In this case, no evidence or material produced regarding when and where the victim attempted suicide and in which hospital she took treatment. Just to magnify the complaint (Ex.P1) such false allegations and exaggerations made. Likewise the victim stated that initially she was pregnant and the foetus was aborted at the instance of the appellant. PW7, the Doctor examined the victim stated there is no symptoms of any foetus abortion earlier.



7.He further submitted that the victim at the time of lodging the complaint (Ex.P1) was not pregnant, after the appellant came out on bail, the victim again continued her love relationship with him, both of them continued their physical relationship and later she became pregnant, admitted by the victim. Thus, the act of the victim confirmed that the relationship was conscious and consensual even after registration of the case. In such circumstances, the conviction of the appellant for offence under Section 376 IPC, is not sustainable. At this juncture, learned counsel submitted that now the victim and appellant got married, living as husband and wife with three children born out of their wedlock. The community difference between the appellant and victim ironed out and they are living happily as husband and wife. He produced the Compromise Memo of the victim along with photostat copy of Aadhar card and Birth Certificate of three children and photostat copy of Aadhar card of the victim, appellant and victim's father. Considering the present situation and the future of the children, this Court to set aside the conviction of the appellant.

8.Learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that in this case PW1 is victim and PW2 &



PW3 are her parents. On 15.11.2014 the victim lodged a complaint (Ex.P1) against the appellant and his family members stating that the victim and appellant were in love relationship for almost two years. The victim belongs to Adi-Dravidar, a Scheduled Caste community and the appellant/A1 and his family members (A2 to A5) belong to Vanniyar, a Most Backward Caste community. Initially victim had shown resistance in accepting the appellant's love proposal, later she was deceived on the promise of the appellant, accepted the proposal, had love relationship with the appellant, thereafter, both of them had physical relationship not once but on several occasions at various places and the victim got pregnant, the appellant requested the victim to abort the foetus and promised that he would marry her later since at that point of time he was in financial constraint. Believing the appellant's words, the victim took tablets and aborted the foetus. After the abortion, the appellant changed his colour and started neglecting the victim citing the community. Annoyed over the same, the victim attempted suicide by consuming oleander seeds, immediately she was admitted in the hospital and survived. During that period, the victim informed her parents (PW2 & PW3) about the love relationship with the appellant and his act. The victim and her parents (PW1 to PW3) went to appellant's house,



questioned the appellant's act and demanded marriage of the appellant with the victim. At that time, the appellant's mother and three brothers (A2 to A5) all joined together abused, threatened PW1 to PW3 and chased them out. A village panchayat held, the appellant admitted the love relationship with the victim, but refused to marry her citing the community. Thereafter, the victim lodged a complaint (Ex.P1) to the respondent Police Station. PW14, Inspector of Police received the complaint (Ex.P1) and registered the FIR (Ex.P9). Since Ex.P9 registered under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, after getting authorisation (Ex.P11), PW16/Deputy Superintendent of Police took up investigation, visited the scene of occurrence, in presence of PW4 & PW5 prepared Observation Mahazar (Ex.P12), Rough Sketch (Ex.P13), examined the victim, her parents and others, recorded their statements and sent the victim for medical examination. PW6 & PW7, the Doctors from Government Villupuram Medical College and Hospital, Mundiambakkam examined the victim, issued the medical certificates (Exs.P2 & P3) confirming that there was possibility of victim being subjected to physical relationship, but she was not pregnant and hymen found not intact. On transfer of PW16, PW17 another Investigating Officer took up investigation, arrested the appellant,



sent the appellant for medical examination and Doctor/PW10 examined the appellant and issued Potency Certificate (Ex.P4). Thereafter, PW17 collected the community certificate of the victim (Ex.P10) from Tahsildar (PW13) and the community certificates of the appellant (Ex.P7) and his family members [Ex.P8 (4 Nos.)] from PW11. On conclusion of investigation, PW17 filed charge sheet before the trial Court. During trial PW1 to PW17 examined and Exs.P1 to P3 marked.

9.He further submitted that all the prosecution witnesses supported the case of the prosecution. On the evidence and materials, the trial Court found that there was no material or evidence to prove that appellant's mother and three brothers (A2 to A5) abused the victim using her caste name or threatened her in public and acquitted them, but the appellant was convicted solely on the evidence of the victim. He fairly submitted that now the appellant and victim are living as husband and wife and they have three children. Hence, this Court may pass appropriate orders.

10.Considering the rival submissions and on perusal of the materials, it is seen that for almost two years, the appellant and victim were in love



relationship and had physical relationship on many occasions at various places. During the relevant period, the victim was a major, studied upto 9th std and she was a Coordinator in Mahatma Gandhi National Rural Employment Guarantee Scheme. Thus, the victim was a knowledgeable and worldly-wise person. The victim in the complaint (Ex.P1) and in her evidence admits that she had consensual relationship with the appellant not once but on several occasions at various places. It is not in dispute that the victim belongs to Adi-Dravidar, a Scheduled Caste community and the appellant belongs to Vanniyar, a Most Backward community which is confirmed by the Tahsildars/PW11 & PW13 and Exs.P7, P8 (4 Nos.) & P10.

11.It is to be seen that at the time of lodging the complaint (Ex.P1), the victim was not pregnant is proved medically. After appellant's arrest and came out on bail, the victim continued her love relationship with appellant and she was nine months pregnant at the time of giving evidence before the trial Court. The victim before lodging the complaint (Ex.P1) and after registration of the case, continued the relationship consciously with the appellant.



12.In this case, PW2 & PW3, parents of the victim were informed about the act of the appellant by the victim. PW4 & PW5, the witnesses for Observation Mahazar and Rough Sketch (Exs.P12 & P13), both are illiterate, hail from a distant village. Except affixing thumb impression in Exs.P12 & P13, both not aware of its content. PW6 & PW7 are the Doctors examined the victim and PW10 other Doctor examined the appellant. PW8, PW9 and PW12 are the Police Constables who escorted the victim and the appellant for medical treatment. PW11, PW13 & PW15 are the Tahsildars who issued the community certificates for the victim, appellant and his family members. PW14 is the Inspector of Police who received the complaint (Ex.P1) and registered FIR (Ex.P9). PW16 & PW17 are the Investigating Officers. The entire case rest on the evidence of the victim. Prior to lodging the complaint (Ex.P1) and even after registration of the case, arrest of the appellant, after his release on bail, the victim continued her physical relationship with the appellant consciously knowing well of the consequences.

13.Be that as it may. Now, the appellant, victim and victim's father appeared in person. When this Court interacted with appellant and victim, both confirmed their relationship and living as husband and wife and blessed



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with three children viz., Harishni Sanjana Sakshi/first baby born on 11.05.2016, Shamrith/second child born on 11.06.2020 and Rakshith/third child born on 05.01.2024. Further, the victim informed she is not interested and not inclined to proceed against her husband/appellant.



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14.The case against the appellant is that he promised the victim to marry her and had physical relationship, but later refused for marriage citing the community. Now both appellant and victim got married and living as



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husband and wife having three children. A Compromise Memo dated 21.11.2025 of the victim produced along with photostat copy of Aadhar card and Birth Certificates of three children and photostat copy of Aadhar card of the victim, appellant and victim's father. Scanned reproduction of the

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compromise memo is as follows:

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Appellant Jurisdiction)

Crl. A. No. 106 of 2020

In

Spl. S. C. No. 265 of 2015

(on the file of Special court for Cases under SC/ ST Act , Villupuram)

Velayutham, (35 years)

S/O.Mannankatti,

Athandamanithur, Vadamaruthur Post,

Thirukoilur Taluk,

Villupuram District.

... Appellant/ Accused

-VS-

1. The State Rep.By

Deputy Superintendent Of Police,

Thirukoilur, All Women Police Station,

Thirukoilur,

Villupuram District.

Cr.No.56 Of 2014.

... Respondent / Complainant

2. Sathya Kala(33 years)

D/O.Elumalai

No. 1/1, Mariyamman Koil street,

Athandamarudur

Villupuram District.

... Respondents/ Defacto Complainant

COMPROMISE MEMO

We, 1.) Velayutham S/o. Mannankatti, Athandamanithur, Vadamaruthur Post, Thirukoilur Taluk, Villupuram District.



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2.) Sathya Kala D/o.Elumalai, No. 1/1, Mariyamman Koil street, Athandamardur, Villupuram district do hereby solemnly affirm and sincerely state as follows:-

We are living together as husband and wife since the Satya Kala sworn on an Affidavit on 19/06/2020 that she has got two children and the accused may be enlarged on bail by suspending the sentence. She appeared before the Hon'ble Court and reiterated the averments and her willing live with the said accused Velayutham. The same was accepted by the Hon'ble High Court and enlarged on bail. They are living happily and another third child has born on 05/01/2024. Hence they are having three children and continue to maintain Cardial matrimonial relationship.

Hence it is just and necessary to allow the appeal in C. A. No. 106 of 2020 and release the accused Velayutham S/o.Mannankatti to secure the ends of justice by accepting the joint compromise memo dated 21/11/2025 and thus render justice.

Dated at Chennai on this 21st day of November, 2025.

[Signature]
ms13836/12

Counsel for 2nd Respondent/ Defacto Complainant

[P. LOGANATHAN]

S. J (399/12)
Counsel for petitioner
Accused



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15.The fact that the victim continued to have a physical relationship with the appellant prior to lodging the complaint and even after registration of case, would prove the relationship is a consensual one between the appellant and victim and there was no force or compulsion.

16.In view of the above and finding that the victim and the appellant got married, living together as husband and wife with three children and taking into consideration that the continuation of conviction against the appellant would do more harm and no good and that will affect the future of victim and her three children, this Court is inclined to consider the compromise. On the facts of the case, both the appellant and victim are majors having consensual relationship, cannot be termed or charged of any offence.

17.Accordingly, this Criminal Appeal is allowed and the judgment dated 26.09.2019 in Special S.C.No.265 of 2015 passed by the learned Sessions Judge, Special Court for Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram is set aside. Bail bond if any executed shall stand cancelled. Fine amount if any paid shall be refunded.

10.12.2025

Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

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To

- 1.The Sessions Judge,
Special Court for Scheduled Castes & Scheduled Tribes
(Prevention of Atrocities) Act, 1989,
Villupuram.
- 2.The Deputy Superintendent of Police,
Thiruvailur, All Women Police Station,
Thirukoilur, Villupuram District.
- 3.The Public Prosecutor,
Madras High Court.

PRE-DELIVERY ORDER IN
CrI.A.No.106 of 2020

10.12.2025