



Crl.R.C.No.243 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.243 of 2025

1. Muniyappan
S/o.Palani
2. Palani
S/o.Subramani
3. Perumal
S/o.Subramani
4. Muniyammal
W/o.Palani
5. Madhammal
W/o.Palani

... Petitioners

..VS..

1. The State by
The Inspector of Police
All Women Police Station (AWPS)
Pennagaram,
Dharmapuri District,
Crime No.02 of 2020.
2. Mrs.Sathya
W/o.Muniyappan

... Respondents



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Criminal Revision Case filed under Section 438 read with 442 of BNSS, praying to call for the records and set aside the charges framed against the petitioners / accused A1 to A5 in Spl.S.C.No.08/2022 on the file of the Sessions Judge Fast Track Mahila Court at Dharmapuri, re-numbered as Spl.S.C.No.157 of 2023 pending on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCOS Act, 2023 at Dharmapuri District by allowing the present criminal revision case.

For Petitioners : Mr.S.Thankira
For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1

ORDER

The Criminal Revision Case is filed to set aside the charges framed against the petitioners-accused A1 to A5 in Spl.S.C.No.08 of 2022 on the file of the Fast Track Mahila Court, Dharmapuri, which was re-numbered as Spl.S.C.No.157 of 2023, now pending on the file of the Special Court for exclusive trial of cases under POCSO Act, 2023 at Dharmapuri District.

2. The case of the prosecution is that the second respondent-victim



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is the daughter of fourth petitioner herein-A4 namely Muniyammal and the third petitioner herein-A3 is the maternal uncle of the victim and petitioners 2 and 5-A2 and A5 are the father and mother of the first petitioner-A1. On 11.04.2019, at about 3.00 a.m., the first petitioner-A1 had forcibly married the victim, knowing well that the victim is a minor girl. A2 to A5 without preventing the marriage, participated in the marriage and thereby promoted the child marriage of A1 with the minor girl. In continuance of the same, A1 had committed penetrative sexual assault on the victim. Thereafter, the victim continued to live in the matrimonial house, wherein A1 and A2 quarreled with the victim and caused mental agony. Hence, a case in Crime No.02 of 2020 was registered on the basis of the complaint given by the victim for offence under Sections 3 and 4 of Prevention of Children from Sexual Offences Act, 2012 [herein after referred to as 'POCSO' Act] and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 [hereinafter referred to as PCM Act].

3. On completion of investigation, the first respondent-Police filed a charge-sheet before the learned Sessions Judge, Fast Track Mahila



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Court, Dharmapuri in Spl.S.C.No.08 of 2022 and charges were framed on 25.05.2022 against the petitioners. A1 was charged for offences punishable under Sections 9 of PCM Act and Sections 3 and 4(1) of POCSO Act and Section 75 of Juvenile Justice Act and petitioners 2 to 5- A2 to A5 were charged for offences punishable under Sections 9 and 10 of PCM Act and under Sections 16 and 17 of POCSO Act. After questioning, the case was transferred to the Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri and the same was taken on file in Spl.S.C.No.157 of 2023 and trial is yet to be commenced.

4. Learned counsel for the petitioners submitted that a compromise was entered between the victim and the petitioners and all the disputes between them got mutually resolved and the victim did not want to proceed with the case against the petitioners further. Now the first petitioner-A1 and the victim are living happily along with their two female children and hence, the charges framed against A1 to A5 may be set aside.

5. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that at the time of occurrence, the victim is a minor and was aged about 16 years and the petitioners knowing well that



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the victim is a minor, forcibly performed marriage of the victim with A1.

Hence, the Special Court framed the charges against A1 to A5 as stated supra.

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

7. On a perusal of the records it is seen that at the time of occurrence, the victim was a minor and A1 had forcibly married the victim and in continuance of the same, A1 committed penetrative sexual assault on the victim. A2 to A5 have supported the alleged marriage. Hence, charges were framed against the accused persons under Child Marriage Act and POCSO Act. The main contention of the petitioners is that there was a compromise entered between the victim and the petitioners and A1 and the victim are living happily with their two children.

8. However, in cases of this nature, compromise cannot be entertained, as the offences committed by the petitioners (A1 to A5) are against the Society. After a long struggle, the Prohibition of Child Marriage Act and POCSO Act were enacted, therefore, offences under



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both Acts are not compoundable. That apart, the offences committed by the accused are serious in nature and against the Society and not against two individuals alone. Therefore this Court has not inclined to entertain this petition. Therefore, this Criminal Revision Case is dismissed at the admission stage itself.

9. The trial Court is directed to expedite the trial and dispose of the case within a period of one year as per Section 35(2) of POCSO Act.

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Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Sessions Judge,

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Fast Track Mahila Court,
Dharmapuri.

2. The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Dharmapuri.
3. The Inspector of Police
All Women Police Station (AWPS)
Pennagaram,
Dharmapuri District.
4. The Public Prosecutor,
High Court, Madras.



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