



Crl.Appeal.No.438 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2025

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WEB COPY THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.A.No.438 of 2025 and CrlM.P.No.13845 of 2025

M. Gnanaprakash

.. Appellant

Vs.

The State represented by
The Inspector of Police,
All Women Police Station,
Tiruvannamalai

..... Respondent

Prayer:

This Criminal Appeal is filed Under Section 415(2) of BNSS previously Section 374(2) of Cr.P.C to call for the records of the impugned Judgmentst dated 27.11.2024 against the Appellant/1st accused passed by the Special Judge for Exclusive Trial of Cases under POCSO Act, at Tiruvannamalai, in Spl.S.C.No.124 of 2022 that convicted the appellant/1st accused for the offence under Section 366 of IPC that sentenced with ten years rigorous imprisonment along with fine amount of Rs.5,000/- in default to undergo simple imprisonment for a period of two years and for the offences under Sections 376(3) 376(2)(n) of IPC and Section 6 of POCSO Act, 2012 that sentenced with twenty years rigorous imprisonment along with fine amount of Rs.5,000/- in default to undergo simple imprisonment for a period of two years, and to setst aside the same and consequently to acquit the appellant/1st accused from the above offences under sections 366,376(3) and 376(2)(n) of IPC and Section 6 of POCSO Act, 2012 and pass orders.

For appellant : Mr. V. Ramanareddy

For Respondents : Mr. G. Krishnamurthy

Government Advocate



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JUDGMENT

This criminal appeal is directed as against the judgment passed in New Spl.S.C.No.124 of 2022 on the file of the Special Judge for Exclusive Trial of Cases under POCSO Act, at Tiruvannamalai dated 27.11.2024.

2.The case of the prosecution is that the victim and the accused are residing in the same area and the accused fell in love with the victim girl and had sexual relationship with her on many occasions. It is alleged that the parents of the accused had not permitted the accused to marry the victim girl, due to which they eloped and stayed at the relative house of the accused for one month. Thereafter, when the victim girl returned to her parents house, the parents of the victim refused her due to which the victim went back with the accused. At that time the accused abused the victim with unparliamentary language and and assaulted her. The victim girl communicated the situation to her parents, thereafter the parents accepted her. On the complaint lodged by the parents of the victim girl, the respondent registered FIR in crime No.16 of 2022 for the offence punishable under Sections 366,498(A), 376(3), 376(2)(n) of IPC and Section 6 r/w 17 of POCSO Act, 2012. After completion of investigation, the respondent filed final report and the same has been taken



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cognizance by the trial court in Spl. S.C.No. 124 of 2022 on the file of Special Judge for Exclusive Trial of Cases under POCSO Act, at Tiruvannamalai.

3. On the side of the prosecution, they examined PW.1 to PW.12 and marked Exs.P1 to Ex.P16 and marked documents 1 and 2. No material objects was marked on the side of the prosecution. On the side of the accused two witness was examined as D.W.1 and D.W.2 and Ex.D.1 was marked. No material objects was found on the side of the accused. On a perusal of oral and documentary evidence, the trial Court convicted the appellant/st accused for the offence under Section 366 of IPC that sentenced with ten years rigorous imprisonment along with fine amount of Rs.5,000/- in default to undergo simple imprisonment for a period of two years and for the offences under Sections 376(3) 376(2)(n) of IPC and Section 6 of POCSO Act, 2012 that sentenced with twenty years rigorous imprisonment along with fine amount of Rs.5,000/- in default to undergo simple imprisonment for a period of two years,

4. The learned Counsel appearing for the appellant would submit that the victim girl and the accused fell in love with each other and the accused had consensual sex with the victim girl. He further submits that the



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victim girl and the accused got married on 19.09.2025 and also produced the marriage certificate and photos before this Court.

5.Per contra, the learned Government Advocate(crl.side) appearing for the respondent/police submitted that in order to prove the charges framed against the accused they examined PW.1 to PW.12 and marked Exs.P1 to Ex.P16 and marked documents 1 and 2. No material objects was marked on the side of the prosecution. He further submitted after examining all the witness and after going through all the evidence produced the Trial Court has convicted the accused and there is no necessity to interfere with the same.

6. Heard the learned counsel appearing on either side and perused the material placed before this Court.

7. Before advertng further it would be relevant to go through the Judgment passed by this Court in the similar facts of the case in ***Gian Singh Vs. State of Punjab and another (2012 10 SCC 303)*** and the relevant portion of the Judgment is extracted hereunder:

57. The position that emerges from the above discussion can be summarized thus; the power of the High Court in quashing a criminal proceeding or Fir or complaint in exercise of its inherent jurisdiction is distinct



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and different from the power given to a criminal Court for compounding the offences under Section 320 of the code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such powers viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint of F.I.R may be exercised where the offence and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc., cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like prevention of corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the Criminal cases having overwhelmingly and predominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil partnership or such like transactions or the offences arising out of



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matrimony relating to dowry, etc or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category cases, High court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

8. On a perusal of records it is found that the victim girl fell in love with the accused and now they got married and are living together as husband and wife. The above Judgment also squarely applies to the present case.



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9. In view of the above facts it is made clear that the trial Court convicted the appellant though the prosecution failed to prove the case beyond any doubt and as such, the appellant is entitled for acquittal for the offence punishable under Sections 366,376(3) and 376(2)(n) of IPC and Section 6 of POCSO Act, 2012.

10. In criminal jurisprudence, the burden is always on the prosecution to prove its case beyond reasonable doubt. When two views are possible and the one favourable to the accused is equally plausible, the benefit of doubt must necessarily go to the accused. In the present case, the prosecution has failed to discharge its burden convincingly, and the trial Court failed to properly appreciate the infirmities in the prosecution case. Therefore, the conviction and sentence awarded by the trial Court in respect of all the charges against the appellant are liable to be set aside.

11. Accordingly, this Criminal Appeal is allowed and the conviction and sentence imposed in Spl.S.C.No.124 of 2022 on the file of the Special Judge for Exclusive Trial of Cases under POCSO Act, at Tiruvannamalai on 27.11.2024 is hereby set aside. The appellant is acquitted of all charges in Spl.S.C.No.124 of 2022 on the file of the Special Judge for Exclusive Trial of



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Cases under POCSO Act, at Tiruvannamalai on 27.11.2024. Consequently, the connected miscellaneous petition is closed. Fine amount, if any paid, shall be refunded to the appellant forthwith. Bail bonds, if any executed, shall stand cancelled.

30.10.2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

1. The Special Judge for Exclusive Trial of Cases under POCSO Act, at
Tiruvannamalai
2. The Inspector of Police,
All Women Police Station,
Tiruvannamalai
- 3, The Superintendent, Central Prison Vellore



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T.V.THAMILSELVI,J.

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