



*Crl.A.No.749 of 2016*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 18.07.2025**

CORAM:

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

Crl.A.No.749 of 2016

1. Natarajan

2. Pushbaraj

... Appellants

Vs.

1. The State Rep by  
The Inspector of Police,  
All Women Police Station,  
Ariyalur, Ariyalur District.  
(Crime No.1 of 2016)

2. N.Maheswari

(Impleaded as per order dated 18.07.2025 in  
Crl.M.P.No.9387 of 2024)

... Respondents

**PRAYER :** Criminal Appeal filed under Section 374(2) of Code of Criminal Procedure to call for the records and set aside the conviction and sentence imposed in Spl.S.C.No.13 of 2016 dated 09.09.2016 on the file of the learned Sessions Judge, Fast Track Mahila Court, Ariyalur District.

For Appellants : Mr.K.Gandhi Kumar

For R1 : Mr.L.Baskaran  
Government Advocate (Criminal Side)

For R2 : Mr.S.Shankar



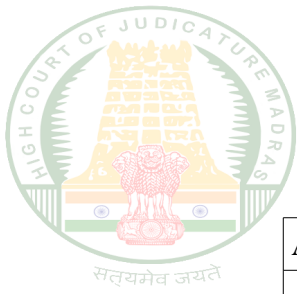
## JUDGMENT

This Criminal Appeal has been filed against the judgment rendered by the learned Sessions Judge, Fast Track Mahila Court, Ariyalur District, in Spl.S.C.No.13 of 2016 dated 09.09.2016, against the appellants.

2. The conviction and sentence imposed against the appellants as follows :-

| Accused  | Under Section                                              | Sentence                                                                                                             |
|----------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>1</b> | 506(i) of IPC                                              | Six months of rigorous imprisonment and a fine of Rs.1,000/- , in default, to undergo one month simple imprisonment. |
|          | 6 of Protection of Children from Sexual Offences Act, 2012 | Ten years rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo one year simple imprisonment.      |
|          | 9 of the Tamil Nadu Prohibition of Child Marriage Act      | One year rigorous imprisonment and a fine of Rs.20,000/-, in default, to undergo two months simple imprisonment.     |

| Accused  | Under Section | Sentence                                                                                                             |
|----------|---------------|----------------------------------------------------------------------------------------------------------------------|
| <b>2</b> | 506(i) of IPC | Six months of rigorous imprisonment and a fine of Rs.1,000/- , in default, to undergo one month simple imprisonment. |



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| Accused | Under Section                                          | Sentence                                                                                                         |
|---------|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
|         | 6 r/w 17 of POCSO Act, 2012                            | Ten years rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo one year simple imprisonment.  |
|         | 10 of the Tamil Nadu Prohibition of Child Marriage Act | One year rigorous imprisonment and a fine of Rs.20,000/-, in default, to undergo two months simple imprisonment. |

3. It is the case of the prosecution that the first appellant, who was married to PW1, had developed an illicit relationship with PW2, who was then a minor, and also solemnized marriage with her with the help of his father/A2, and thus, committed the aforesaid offence.

4. The trial Court, on the basis of the evidence on record, held that the prosecution had established the offences against the accused and that sentenced them as stated above.

5. When the appeal was pending for consideration, the victim/PW2, who is said to have married the first appellant when she was a minor, had filed a miscellaneous petition in Crl.M.P.No.9387 of 2024 along with an Affidavit in support of the petition. The scanned copy of the Affidavit is reproduced for ease of reference.



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**IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(Criminal Appellate Jurisdiction)**

Crl.M.P.No. <sup>9387</sup> of 2024

In

Crl.A.No. 749 of 2016

**N.MAHESWARI, F/A 28 Years**

W/o.Natarajan,  
No-1/23 B, South Street,  
Vanjinapuram,  
Sendurai Taluk,  
Ariyalur District.

...Petitioner/ Victim Girl/  
PROPOSED RESPONDENT - 2

-Vs-

01. State Rep. by  
The Inspector of Police,  
All Women Police Station,  
Ariyalur District.  
(Cr .No.1 of 2016)

...Respondent/Respondent

02. **NATARAJAN, M/A 31 years, (A-1)**  
S/o. Pushbaraj,  
No-1/23 B, South Street,  
Vanjinapuram Village,  
Sendurai Taluk  
Ariyalur District.

03. **PUSHBARAJ, M/age 60 years**  
S/o Subbramani,  
No-1/23 B, South Street,  
Vanjinapuram Village,  
Sendurai Taluk  
Ariyalur District.

...Respondents/Appellants

**AFFIDAVIT OF MAHESWARI/PETITIONER**

I, Maheswari, Wife of Natarajan, Hindu, aged about 28 years residing at No-1/23 B, South Street, Vanjinapuram, Sendurai Taluk, Ariyalur District Now temporarily come down to Chennai and do hereby solemnly affirm and sincerely states as follows:-

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*V. Maheswari*



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01. I humbly submit that I am the petitioner herein and as well as the victim girl in the above said appeal.

02. I humbly submit that now I am residing in the 2<sup>nd</sup> respondent's house and having two male children, one 9 years old and another one 5 years old. The 1<sup>st</sup> respondent police registered a case in Cr.No.01/2016 on 01.02.2016 for an alleged offence U/s 294(b), 323, 494, 506(i), and 109 of IPC R/w section 9, 10 of the Child Marriage Prohibition Act, 2006 R/w section (j)(i)(I) and section 6 of POCSO Act, based on the complaint of one Rajeswari W/o Natarajan. The allegation in the complaint and the FIR was that, on 08.04.2015 the 2<sup>nd</sup> respondent got married to me at about 9.00 AM in "Thamarai Poondi Muniappan Temple" as a second marriage. So, the case has been registered as against the 2<sup>nd</sup> respondent herein and his father. After the investigation the 1<sup>st</sup> respondent police filed the charge sheet.

03. I humbly submit that when I was produced before the Judicial Magistrate at Jeyankondam. I stated that "I completed 12<sup>th</sup> standard and doing coolly work. And denied the charges against the Accused.

04. I humbly submit that when the case was taken up for trial, I was living separately. Now I am living in the 2<sup>nd</sup> respondent house along with my children. I submit that the 2<sup>nd</sup> respondent/First Appellant after coming out on bail during the end of Year 2017 approached me and showed his interest in marrying me. Thereafter 22.01.2018 I married the first appellant and blessed with one male child in the month of January 2019.

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*N. Maheshi*



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..3..

I submit that now I am living with the 2<sup>nd</sup> respondent/first Appellant and he is looking after me and my children by doing coolly work and happily living with my husband and children. Now without my husband, I could not able to lead my life safely and maintain the family for the day to day lively hood.

05. I submit that in the interest of justice and also considering the facts that I am living with my husband's family along with my two male children and suffering for our livelihood, lenient view will be taken in the appeal proceedings and thus render justice to me and my children. So, kindly accept my affidavit and implead me as a party/respondent to the proceedings. If the petition is not allowed I will be put in too much hardships and sufferings. On the other hand the respondents will not be prejudice in any way.

Under the circumstances stated above, it is prayed that this Hon'ble court may be pleased to implead me as a ~~one of the~~ respondent in Crl.A.No.749 of 2016 and pass such order or orders as this Hon'ble Court may deem fit and proper circumstances of this case and thus render justice.

Solemnly affirmed at Chennai  
This the 26<sup>th</sup> day of June  
2024 and signed her name  
in my presence.

*N. Mahalingam*  
BEFORE ME  
*D. Sundaramoorthy*  
ADVOCATE: MADRAS  
No. 106 Law Chambers  
St. James, Chennai - 1.

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6. The victim/PW2 is present in person and identified by the learned counsel for the appellants and also by Mrs.P.Kanniyammal, Sub-Inspector of Police, Ariyalur - AWPS. The victim had confirmed the contents of the Affidavit and stated that since the first appellant is now living with her and taking care of her, the sentence imposed by the trial Court may be set aside.

7. The case was initially registered on the complaint given by the wife of the first appellant, who was examined as PW1. The respondent had also produced PW1, who is working as a Teacher, before this Court. It appears that the first appellant and PW1 had also entered into compromise by which, the first appellant agreed to deposit a sum of Rs.1.5 lakhs into the account of their daughter and accordingly, had handed over the Demand Draft for Rs.1.50 lakhs. PW1 had also stated that she is willing for the disposal of the appeal in terms of the compromise in view of the changed circumstances.

8. The scanned copy of the Memorandum of Understanding entered into between PW1 and the appellants is also reproduced here for ease of reference.



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IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(Criminal Appellate Jurisdiction)

Crl.A.No. 749 of 2016

1. NATARAJAN, M/A Years

And another

...Appellant

-Vs-

State Rep by.  
The Inspector of Police,  
AWPS, Ariyalur.  
Ariyalur District.

...Respondent

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING IS MADE AND EXECUTED ON  
THIS THE 18<sup>th</sup> DAY OF July, 2025 AT Chennai

**BETWEEN**

Natarajan S/o. Pushparaj, aged about 40 years residing at Vanjinapuram village,  
Sendurai t.k, Ariyalur District the 1<sup>st</sup> Appellant hereinafter referred to as **PARTY**  
**OF THE FIRST PART**

**AND**

Rajeswari W/o. Natarajan aged about <sup>35</sup>~~29~~ years residing at Periyar Nagar,  
Sendurai T.k, Ariyalur District the De-Facto Complainant herein referred to as  
**PARTY OF THE SECOND PART**

**AND WHEREAS** both the parties hereto have decided to settle the cases  
amicably and have arrived at a settlement in terms of final Compromise  
Memorandum of Understanding.

**WHEREAS** the final compromise Memorandum of Understanding shall come  
into force only on compliance of the following terms and conditions:



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1. That the first party herein has paid a sum of Rs. 1,50,000/- (Rupees One Lakhs and fifty Thousand only) towards the second party in favour of her <sup>✓</sup>Miner daughter named Narmatha by way of Demand Draft on 17.07.2025 in DD No. 053867 -Tamilnadu Grama bank, Sendurai branch. <sup>FOR WELFARE OF MINOR CHILD</sup>
2. That the second party herein on receiving a payment mentioned above, <sup>P. M. D. 13/25</sup> is ready to extend her full co-operation for getting mutual divorce between them. If the second party is not co-operating, it is open to the first party to file for divorce before the competent forum based on this MOU. <sup>THE PARTY OF FIRST PETITIONER HEREIN AND THE SECOND PARTY HAD NO OBJECTION FOR DISPOSAL OF THE CRL. A. 749/2016 SINCE THE VICTIM GIRL LIVES</sup>
3. This Memo is entered between the parties out of their free will, with now with <sup>FIRST PARTY.</sup> undue influence, or coercion and in their right state of mind considering the wellbeing of both the parties. <sup>P. M. D. 13/25</sup>
4. That both the parties herein are agreeing to lead their life separately at their will and wish and each parties do not interfere with their future lives.

IN WITNESS THEREOF the parties have set hand and signed this Memorandum of Understanding on 18<sup>th</sup> day of July 2025.

<sup>P. M. D. 13/25</sup>

PARTIES OF THE FIRST PART

<sup>N. P. D. 18/7/25</sup>

PARTY OF THE SECOND PART



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**WEB COPY** 9. PW1, who is present in person before this Court and identified by the Sub-Inspector of Police, Ariyalur - AWPS, also confirms the compromise entered into between her and the first appellant.

10. This Court finds that the victim, during the trial, had not supported the prosecution case. She is now living with the appellant with two children and has prayed for setting aside the judgment of conviction.

11. The first appellant also stated that after he obtains divorce from PW1 by mutual consent, his marriage with PW2 would be legally registered. The said undertaking is recorded.

12. In view of the aforesaid facts, this Court is of the view that no useful purpose would be served in deciding the case on merits.

13. In identical circumstances, the Hon'ble Supreme Court in ***Mahesh Mukund Patel v. State of U.P. and Others***, reported in **2025 SCC OnLine SC 614**, held as follows:



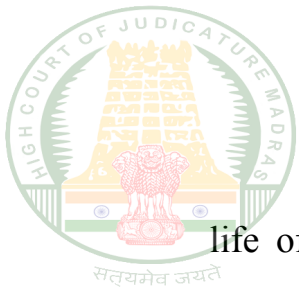
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“6. Our attention is invited to the affidavit filed by the third respondent in which she has accepted the fact that she is happily married to the appellant and they have been residing together. She has disclosed her date of birth as 20th July, 1998. In the record of the Primary School, as can be seen from document at Annexure ‘P-1’, the date of birth of the third respondent is shown as 20 July, 1998. Ossification test was conducted during the investigation. The report of the test is that on the date of commission of the offence, the age of the third respondent may be between 17½ years to 19 years. There are documents on record to show that the date of birth of the third respondent was 20th July, 1998. Therefore, when the offence was allegedly committed in September, 2016 she was already a major.

7. Now that the appellant and third respondent are happily married, no purpose will be served by continuing the prosecution as it will cause undue harassment to the appellant, the third respondent and their children.”

14. In the above case, the Hon'ble Supreme Court had quashed the proceedings pending trial. However, the same can be extended even where the appeal is pending against conviction. In fact, in ***K.Dhandapani v. The State by the Inspector of Police [Crl.A.No.796 of 2022 dated 09.05.2022]***, the Hon'ble Supreme Court had set aside the judgment of conviction and sentence solely on the ground that the Court cannot shut its eyes to the ground reality and disturb the happy family



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life of the appellant and the prosecutrix. The relevant portion of the judgment reads as follows:

“In the peculiar facts and circumstances of this case, we are of the considered view that the conviction and sentence of the appellant who is maternal uncle of the prosecutrix deserves to be set aside in view of the subsequent events that have been brought to the notice of this Court. This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix. We have been informed about the custom in Tamilnadu of the marriage of a girl with the maternal uncle.”

15. The above observations of the Hon'ble Supreme Court squarely apply to the facts of the case. Therefore, this Court is inclined to set aside the judgment of conviction and sentence imposed by the trial Court in Spl.S.C.No.13 of 2016 dated 09.09.2016 and it is accordingly, set aside.

16. The Criminal Appeal No.749 of 2016 stands disposed of.

**18.07.2025**

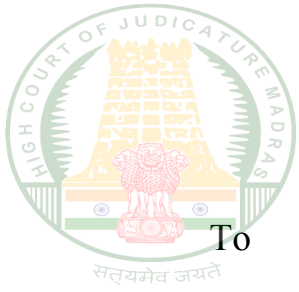
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

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1. The Sessions Judge,  
Fast Track Mahila Court,  
Ariyalur District.
2. The Inspector of Police,  
All Women Police Station,  
Ariyalur District.
3. The Public Prosecutor,  
High Court of Madras.



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**SUNDER MOHAN, J.**

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***18.07.2025***

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