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CRL OP No. 24576 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 24576 of 2025

1. Mr.Manikandan
S/o.Selvaraj, No.42A, Jothi Street
Block -30, Neyveli Block -29,
Cuddalore District

Petitioner(s)

Vs

1. The Inspector of Police
All Women Police Station, Neyveli,
Cuddalore District Cr.No.4 of 2024

2.(Redacted)

Respondent(s)

PRAYER

Criminal Original Petition filed u/s.482 of Cr.P.C., to call for the records relating to the case in Spl.S.C.No.45 of 2024 pending trial on the file fo the Sessions Judge, Mahila Court, Cuddalore and quash the same with regard to this petitioner

For Petitioner(s): Mr. M. Suresh Sankar



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For Respondent(s): Mr. R. Vinothraja GA (Crl.side)
for R1
Mr. T. Perinbanathan,
for R2

ORDER

This Criminal Original Petition is filed by the petitioner to call for the records relating to the case in Spl.S.C.No.45 of 2024 pending trial on the file of the Sessions Judge, Mahila Court, Cuddalore for the offence under sections 366, 344 IPC r/w. Section 5(1), 5(j), 5(ii) and Section 6 of Protection of Child from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 and quash the same with regard to this petitioner.

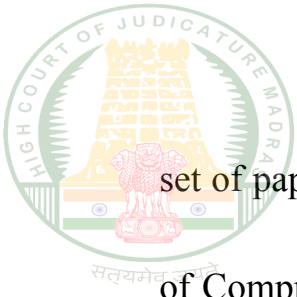
2.It is the case of the prosecution that the petitioner, who is a call taxi driver, developed acquaintance with the victim girl, while taking the victim girl's mother to the hospital very often, and the same developed into love affair between the petitioner and the victim girl. Thereafter, after the death of the victim girl's mother and after the matter came to the knowledge of the victim's father, despite the warnings of the victim girl's father, on 01.09.2023, the petitioner took the victim girl who was below the age of 18 years as on that



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date, and married her by tying a *thali* around her neck and wrongfully restrained her in his house, and on 10.10.2023 and on various occasions, while she was in his house, the petitioner had sexual intercourse with the victim girl, due to which, she became pregnant. Hence, the 2nd respondent has lodged complaint against the petitioner, based on which, an FIR came to be registered in Crime No.4 of 2024. After investigation, final report was filed and the same was taken on file in Spl.S.C.No.45 of 2024 by the learned Sessions Judge, Mahila Court, Cuddalore, for the offences under Sections 5(l), 5(j)(ii), 6 and 9 of POCSO Act, and Sections 366 and 344 IPC. Now, the final report is sought to be quashed by the parties based on the compromise arrived at between them.

3.The petitioner along with the 2nd respondent have filed Joint Memo of Compromise, dated 29.08.2025, stating that they have got married and they are blessed with a girl child and both the parties have decided to lead a happy married life and hence the present petition has been filed for quashing the charge sheet and the 2nd respondent/defacto complainant has already given her consent by way of a written communication which is filed along with the typed



set of papers and the same may be treated as part and parcel of the Joint Memo of Compromise. It is further stated in the Joint Memo of Compromise that the

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petitioner and the 2nd respondent have settled the issue in an amicable manner and they are filing the Joint Compromise Memo without any threat or coercion and in view of the above compromise, the 2nd respondent is withdrawing the criminal proceedings initiated against the petitioner. Hence, they seek to quash the case in Spl.S.C.No.45 of 2024.

4.Mrs.Arulkumari, Women Gr-I, Neyveli All Women Police Station was present before this Court and she informed this Court that the defacto complainant and the petitioner had approached him and informed that since they have amicably settled the dispute between them, they do not want to proceed further with the criminal proceedings.

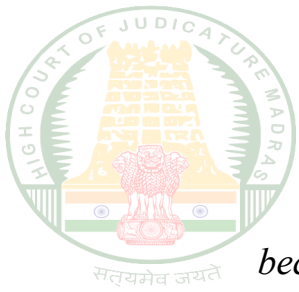
5.The Defacto Complainant and the petitioner are also present along with the child before this Court and they are identified by their respective counsel as well as by the Police official present before this Court. This Court enquired the



defacto complainant and she had stated that they had amicably settled the dispute between themselves and she is not willing to proceed with the criminal proceedings and sought to quash the same.

6.The learned Govt. Advocate (Crl. Side) appearing on behalf of the first respondent submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offence has to consider the issue as to whether an offence of this nature can be quashed on the ground of compromise between parties.

7.In this regard, it is relevant to refer the judgment of the learned Single Judge of this Court, in ***Sabari v. Inspector of Police*** reported in ***2019 (3) MLJ Crl 110***, wherein, the learned single Judge had discussed in detail about the cases in which persons of the age group of 16 to 18 years are involved in love affairs and how in some cases ultimately end up in a criminal case booked for an offence under the POSCO Act. The relevant portions of the judgment are extracted hereunder for proper appreciation:-



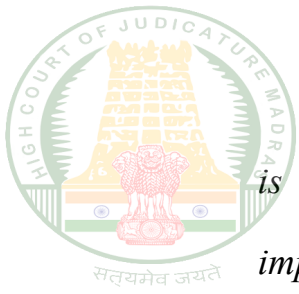
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“21. When this case was taken up for hearing, this Court became concerned about the growing incidence of offences under the POCSO Act on one side and also the Rigorous Imprisonment envisaged in the Act. Sometimes it happens that such offences are slapped against teenagers, who fall victim of the application of the POCSO Act at an young age without understanding the implication of the severity of the enactment.

...

26. In addition to the above, this Court is of the view that 'warning' of attraction of POCSO Act must be displayed before screening of any film, which have teenage characters suggesting relationship between boy and girl.

27. Apart from the above, this Court is of the view that as per the 3rd respondent's report, majority of cases are due to relationship between adolescent boys and girls. Though under Section 2(d) of the Act, 'Child' is defined as a person below the age of 18 years and in case of any love affair between a girl and a boy, where the girl happened to be 16 or 17 years old, either in the school final or entering the college, the relationship invariably assumes the penal character by subjecting the boy to the rigorous of POCSO Act. Once the age of the girl is established in such relationship as below 18 years, the boy involved in the relationship



is sure to be sentenced 7 years or 10 years as minimum imprisonment, as the case may be.

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28. When the girl below 18 years is involved in a relationship with the teen age boy or little over the teen age, it is always a question mark as to how such relationship could be defined, though such relationship would be the result of mutual innocence and biological attraction. Such relationship cannot be construed as an unnatural one or alien to between relationship of opposite sexes. But in such cases where the age of the girl is below 18 years, even though she was capable of giving consent for relationship, being mentally matured, unfortunately, the provisions of the POCSO Act get attracted if such relationship transcends beyond platonic limits attracting strong arm of law sanctioned by the provisions of POCSO Act, catching up with the so called offender of sexual assault, warranting a severe imprisonment of 7/10 years.

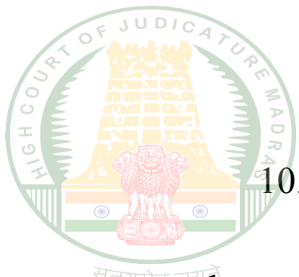
29. Therefore, on a profound consideration of the ground realities, the definition of 'Child' under Section 2(d) of the POCSO Act can be redefined as 16 instead of 18. Any consensual sex after the age of 16 or bodily contact or allied acts can be excluded from the rigorous provisions of the POCSO Act and such sexual assault, if it is so defined can be tried under more liberal provision, which



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can be introduced in the Act itself and in order to distinguish the cases of teen age relationship after 16 years, from the cases of sexual assault on children below 16 years. The Act can be amended to the effect that the age of the offender ought not to be more than five years or so than the consensual victim girl of 16 years or more. So that the impressionable age of the victim girl cannot be taken advantage of by a person who is much older and crossed the age of presumable infatuation or innocence”.

9. In the light of the above judgment, admittedly, in this case, the age of the victim girl at the time of occurrence is more than 16 years. Admittedly, there was a love affair between them and therefore, the present case also falls under the teen age physical relationship which can be distinguished from the sexual assault on children below 16 years. Further, the allegations in the final report also indicates the victim girl has given her consent for marriage and she had abandoned her parental home and went along with the accused and they led a matrimonial life in the house of the accused. Only after she became pregnant, she had lodged a complaint before the respondent Police.



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10. Further, the petitioner and the *de facto* complainant have got married and out of the wedlock, they are now having a girl child and they are living together in the matrimonial home. Incidents of this nature keep occurring regularly even now in villages and towns and occasionally in cities. After the parents or family or the victim girl herself lodge a complaint, the Police register FIRs for offences of kidnapping and various offences under the POCSO Act. Several criminal cases booked under the POCSO Act fall under this category. The present case is also one such case.

11. Now, the next issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offence pending against the petitioners, based on a compromise. The Hon'ble Supreme Court, in the case of ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat***, reported in ***2017 9 SCC 641*** and in case of ***The State of Madhya Pradesh Vs. Dhruv Gurjar and Another*** reported in ***(2019) 2 MLJ Crl 10***, has given sufficient guidelines that must be taken into consideration by the High Court while exercising its jurisdiction under Section 482 of



Cr.P.C./Section 528 BNSS, to quash non-compoundable offence(s). One very

important test that has been laid down is that the Court must necessarily

examine as to whether the crime in question is purely individual in nature or a

crime against the society with overriding public interest. The Hon'ble Supreme

Court has held that offences against the society with overriding public interest

even if it gets settled between the parties, cannot be quashed by this Court.

12.In the present case, the offences in question are purely

individual/personal in nature. It involves the petitioner and the victim girl and

their respective families only. It involves the future of a young girl who is still

in their early twenties. Quashing the proceedings, will not affect any overriding

public interest in this case and it will, in fact, pave way for the petitioner and

the victim girl to settle down in their life and look for better future prospects.

No useful purpose will be served in continuing with the criminal proceedings

and keeping these proceedings pending will only swell the mental agony of the

petitioner, victim girl and their parents as well. Particularly, when the de facto

complainant and the petitioner have filed individual affidavits to the effect that



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they have got married and blessed with a female child and they are living together and continuation of criminal proceedings would tantamount to abuse of process of law. The de facto complainant has specifically admitted in her affidavit that she had lodged the complaint in a heated movement in a frustration and the pendency of the criminal case hurts her a lot and the members of both the families are very much affected and she is the one who is greatly affected person. She has also stated in her affidavit that, considering the welfare of their child and to have harmonious relationship with her husband and in order to avoid wasting Court's precious time, the present criminal proceedings may be quashed.

13.In view of the above, this Court is inclined to quash the criminal proceedings as against the petitioner, in exercise of its powers under Section 528 of BNSS.

14.Accordingly, this Criminal Original Petition is allowed and the criminal proceedings in Spl.S.C.No.45 of 2024 on the file of the learned



Sessions Judge, Mahila Court, Cuddalore, is quashed. The Joint Memo of

Compromise filed by the petitioner and the 2nd respondent/de facto

complainant and the individual affidavits filed by the petitioner and the 2nd

respondent shall form part of the records.

msr/mkn

09-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Sessions Judge,
Mahila Court, Cuddalore.

2. The Inspector of Police
All Women Police Station, Neyveli,
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.



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