



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRL MP No. 15790 of 2025

AND

CRL OP NO. 16658 OF 202

1. State of Tamilnadu Rep by
The Inspector of Police, All
Women Police Station, Namakkal.

Petitioner(s)

Vs

1. B.Arivalagan
S/o.Baskaran, No.2/105, Adi
Dravidar Street, Kamarajar
Colony Kaspas, Thirumalaipatti,
Sendamangalam Taluk,
Namakkal District.

2.S.Nathiya
W/o.suresh, 2/92, Adi Dravidar
Street, Thirumalaipatty Kasba,
Thirumalapatty, Sendamangalam
Taluk, Namakkal District.

Respondent(s)

PRAYER

To recall the order in Crl.O.P.No.16658 of 2020 passed by this Honble High Court, Chennai dated 19.02.2021 and thus render justice.

For Petitioner(s): Ms.J.R.Archana
Government Advocate (Crl.
Side) for Public Prosecutor
For Mr.G.B.Muralikrishnan



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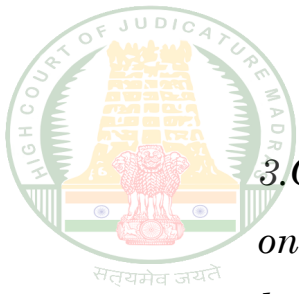
Respondent(s): Takes Notice For R1
Mr.M.Muganantham for
Victim girl

ORDER

This petition has been filed to recall the order passed in Crl OP No.16658 of 2020 dated 19.02.2021 based on the order passed by the Division Bench in HCP No.271 of 2025 dated 03.03.2025.

2. This Court ordered notice to the respondents. The 1st respondent is represented through a counsel. The 2nd respondent, who is the mother of the victim girl has been served with notice and inspite of the same, the 2nd respondent has not chosen to either appear in person or through counsel. This is inspite of the fact that the petitioner police informed the 2nd respondent that the matter is listed for hearing today.

3. The trigger for filing the present petition arose out of the order passed by the Division Bench in HCP No.271 of 2025 dated 03.03.2025. The relevant portions are extracted hereunder:-

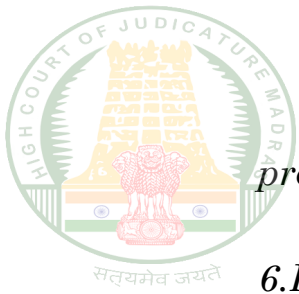


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3.Challenging the proceedings in Spl.C.C.No.18 of 2020, on the file of the Fast Track Court, Namakkal, the accused had filed a petition in Crl.O.P.No.16658 of 2020 before this Court under Section 482 Cr.P.C. Pending this petition, the parties to the case appear to have entered into some sort of a compromise and had reduced the terms of compromise into writing vide compromise deed dated 07.10.2020.

4.As per the terms of the compromise deed, the said Arivalagan had declared that at any point of time he would not talk or otherwise insult the modesty of the minor girl; that he would stay away from the victim girl's village; and that he would not create any sort of disturbances to the minor girl's family members. He had further undertaken that in case he violates any of the above terms of the compromise deed, the complainant's family members are at liberty to take legal action against him. The agreed terms were reduced into writing in a consent deed dated 07.10.2020.

5.While passing final orders in the petition in Crl.O.P. No.16658 of 2020, the learned single judge of this Court, had taken into consideration the compromise entered into between the defacto complainant and the accused and also by placing reliance on the guidelines of the Hon'ble Supreme Court in the case of Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarath), had quashed the



proceedings in Spl.C.C.No.18 of 2020.

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6.However, in total contravention of the terms of the settlement, the said Arivazhagan, who was already married and had a two year old child, has married the victim girl on 23.01.2025, which fact is evident from the affidavit filed by his sister in this Habeas Corpus Petition. This itself substantiates that the said Arivalagan has totally contravened the terms of the settlement arrived at on 07.10.2020. The violation of the terms did not stop here.

7.When the Habeas Corpus Petition was listed before this Court for hearing on 20.02.2025, we had interacted with the parties to the Habeas Corpus Petition. Since, we were of the view that the decision with regard to the custody of the victim girl, could be taken at a later stage and accordingly we had passed an interim order on 20.02.2025, directing the petitioner to handover the victim girl's B.Com., degree certificates and the college books and other study materials, which was claimed to be in possession of Arivalagan. Such an order was passed by taking into consideration that the victim's desire to continue her education. The interim custody of the victim girl, at that point of time, was ordered to continue with her grand parents and the matter was ordered to be listed before this Court on 27.02.2025.

8.Before the next date of hearing, on 24.02.2025, at about 10.40 p.m., the said Arivalagan, along with his friends,

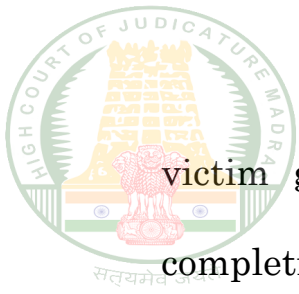


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had entered the house of the victim girl's grand parents and assaulted her grand mother with deadly weapons, apart from ransacking the house and using vulgar language. In the complaint given by the grand mother, it is stated that after the assault on 24.02.2025, she was rushed to the General Hospital through 108 Ambulance. A complaint in this regard has been registered against the Arivalagan and two other persons in F.I.R.No.103 of 2025 on 26.02.2025, for the offences U/s.140(3), 306, 320, 296(b), 115(2), 118(1), 351(3) of BNS, 2023, pursuant to which, the said Arivalagan was arrested on the same day and is now confined to judicial custody.

9.At this juncture, the learned counsel appearing for the parents of the victim girl, would submit that since the said Arivalagan has violated the terms of the compromise, and has also gone to the extent of assaulting the victim's grand mother, with deadly weapons with an intention of abducting the victim girl, they intend to file an application seeking for recall of the order passed in Crl.O.P.No.16658/2020 dated 19.02.2021.

4. The victim girl, who was present before this Court stated that her Date of Birth is 03.03.2005. She further stated that she is presently residing with her grand mother. The victim girl categorically stated that the 1st respondent has not disturbed the



victim girl or her grand mother in any manner and that after completing her college, she is presently living with her grand mother.

The victim girl further stated that the 1st respondent is already married and he has children and therefore, there is no question of the 1st respondent marrying the victim girl for the 2nd time.

5. The learned counsel for the 1st respondent submitted that a false case has been foisted against the 1st respondent and the sister of the 1st respondent is behind this confusion. The learned counsel submitted that the 1st respondent is already married and even when the order was passed in the quash petition, an undertaking was given by the 1st respondent that he will stay away from the victim girl's village and will not create any further disturbance. According to the learned counsel for 1st respondent, this undertaking was complied with.

6. The learned counsel appearing on behalf of the victim girl submitted that the victim girl did not face any disturbance from the 1st respondent and that an attempt is now being made by the sister of the 1st respondent to reopen the case, which has already been disposed of by this Court. The learned counsel also questioned the

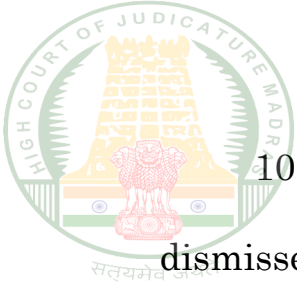


maintainability of this petition on the ground that this Court does not have the power to review an order passed under Section 482 of Cr.PC.

7. The learned Government Advocate appearing on behalf of the petitioner submitted that the investigation has been completed in Crime No.103 of 2025 , Karppur Police station, Salem city and final report has already been filed before the Jurisdictional Court.

8. This Court carefully considered the submissions made on either side and also the statement made by the victim girl, who was present before this Court in person.

9. Considering the statement made by the victim girl, it is seen that the 1st respondent has not married the victim girl and no disturbance has been caused to the victim girl and therefore, there is no reason to recall the earlier order passed by this Court. In any event, the 2nd respondent, who is the mother of the victim girl has not chosen to come before this Court.



10. In the result, this Criminal Miscellaneous petition stands dismissed.

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.B.Arivalagan
S/o.Baskaran, No.2/105, Adi
Dravidar Street, Kamarajar
Colony Kaspā, Thirumalaipatti,
Sendamangalam Taluk,
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N.ANAND VENKATESH J.
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