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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.A.No.1433 of 2025

Karthik

...Appellant

Versus

The State Rep. by its
The Inspector of Police,
All Women Police Station – Ooty Town,
Nilgiris.
(Crime No.10 of 2021)

...Respondent

This Criminal Appeal is filed under Section 415(2) of BNSS praying to set aside the conviction and sentence against the appellant in Spl.C.C.No.35 of 2022 on the file of the learned Sessions Judge, Magalir Neethimandram (FTMC), Udthagamandalam, Nilgiris dated 21.11.2023 and allow this appeal.

For Appellant : Mr.P.Thinesh

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)



JUDGMENT

This Criminal Appeal has been preferred by the Appellant/Accused praying to set aside the Judgment dated 21.11.2023 in Spl.C.C.No.35 of 2022 passed by the learned Sessions Judge, Magalir Neethimandram (FTMC), Udthagamandalam, Nilgiris.

2. The brief facts of the case are that one Mr.Kariyappan is residing at Ammanadu Village along with her two daughters. His wife had already passed away. His younger daughter (victim girl) studied upto 8th Standard in Ullathy Middle School and thereafter, she discontinued her studies. The Appellant/Accused was also residing in the same village. Since the victim girl's father was unable to look after his younger daughter (victim girl), the victim girl was admitted in Annai Sathya Child Welfare Home by her father. On 28.07.2021, when the victim girl's father went to home to see his younger daughter (victim girl), the victim girl told her father that she was in love with the Appellant/Accused and on 18.06.2021, Appellant/Accused took her to his house and had sexual intercourse with her. Upon hearing the same, the victim girl's father had lodged a complaint to the Respondent Police stating that Appellant/Accused had committed penetrative sexual



assault upon her younger daughter (victim girl) aged about 14 years. Based on the complaint given by the victim girl's father, the Respondent Police had registered a case in Crime No.10 of 2021 against the Appellant/Accused under Section 5(1) r/w. 6 of the POCSO Act, 2012. The Investigating Officer took up the said case for investigation and examined the victim girl and her father. Thereafter, on 28.07.2021, the Investigating Officer arrested the Appellant/Accused and obtained the Confession Statement of Appellant/Accused in the presence of witnesses and remanded the Appellant/Accused. After receiving the necessary Medical Certificate from Doctor and Age Certificate from the School where the victim girl studied, the Investigating Officer had altered the charge framed against the Appellant/Accused from Section 5(1) r/w. 6 of the POCSO Act, 2012 to Sections 366 & 342 of IPC and Section 5(1) r/w. 6 of the POCSO Act, 2012. Then, the Investigating Officer had filed the Charge Sheet against the Appellant/Accused before the Court of Sessions Judge of Magalir Neethimandram (FTMC), Udthagamandalam, The Nilgiris.

3. Before the Trial Court, on the side of prosecution, 10 witnesses were examined as P.W.1 to P.W.10 and 17 documents were marked as



Exs.P1 to P17. On the side of Appellant/Accused, no witnesses were examined as witnesses and no documents were marked as exhibits.

4. On appreciation of the oral and documentary evidence, the Trial Court had held that the prosecution is successful in proving the guilt of the Appellant/Accused for having committed the offence under Sections 366 & 342 of IPC and Section 5(1) r/w. 6 of the POCSO Act, 2012. Therefore, the Trial Court vide Judgment dated 21.11.2023 in Spl.C.C.No.35 of 2022, convicted the Appellant/Accused under Section 235(ii) of Cr.P.C and sentenced him as follows:

S.No.	Offence	Punishment
1	Section 366 of IPC	To undergo 5 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 6 months simple imprisonment.
2	Section 342 of IPC	To undergo 1 year rigorous imprisonment and to pay a fine of Rs.500/-, in default, to undergo 3 months simple imprisonment.
3	Section 5(1) r/w. 6 of POCSO Act, 2012	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 3 years simple imprisonment.

Aggrieved by the said judgment of conviction and sentence passed by the Trial Court, Appellant/Accused has preferred the present Criminal Appeal before this Court.



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5. The learned counsel for Appellant/Accused submitted that the Appellant/Accused and the victim girl had loved each other. At the time of occurrence, the victim girl was 15 years old minor and now, she has attained majority.

5.1. It is further submitted by the learned counsel for Appellant/Accused that the appellant/accused has filed a petition in CrI.M.P.No.16924 of 2025 before this Court seeking to suspend the sentence imposed on him. At the time of hearing the said petition, the victim girl appeared before this Court and stated that she wants to marry the Appellant/Accused. This Court vide Order dated 11.09.2025, granted interim bail to the Appellant/Accused.

5.2. The learned counsel for Appellant/Accused also submitted that after the Appellant/Accused was released on bail, Appellant/Accused married the victim girl on 16.11.2025 in the presence of his relatives and neighbours. The learned counsel has also produced the wedding invitation of Appellant/Accused and the victim girl before this Court.



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5.3. It is submitted by the learned counsel for Appellant/Accused that now the victim girl wants to lead a happy married life with the Appellant/Accused. Therefore, the learned counsel prayed that this Criminal Appeal may be allowed by setting aside the impugned order and the Appellant/Accused may be acquitted from all the charges.

6. The learned Government Advocate (Crl.Side) appeared on behalf of Respondent Police submitted that before the Trial Court, the prosecution has proved that the Appellant/Accused who very well aware that the victim girl was a minor had committed penetrative sexual assault upon the victim girl and thereby, Appellant/Accused had committed the offence under Sections 366 & 342 of IPC and Section 5(1) r/w. 6 of the POCSO Act, 2012. Therefore, the learned Government Advocate (Crl.Side) submitted that the impugned order passed by the Trial Court does not warrant any interference.

7. Today, the Appellant/Accused and victim girl appeared before this Court. When I enquired the victim girl, she stated that Appellant/Accused has married her on 16.11.2025 and now, she wants to lead a peaceful married



life with the Appellant/Accused. Further, the victim girl stated that her father Mr.Kariyappan who lodged the police complaint against the Appellant/Accused had passed away and she is not willing to pursue this case further.

8. From a perusal of the materials available on record, it is evident that Appellant/Accused and the victim girl had loved each other. It is also evident that at the time of occurrence, the victim girl was minor and thus, her father had lodged a police complaint against the Appellant/Accused stating that the Appellant/Accused had committed aggravated penetrative sexual assault upon her daughter (victim girl); based on the said complaint, the Respondent Police had registered a case against the Appellant/Accused and filed the Final Report before the Trial Court.

9. Since the Trial Court held that Appellant/Accused is found guilty for commission of offence under Sections 366 & 342 of IPC and Section 5(1) r/w. 6 of the POCSO Act, 2012 and sentenced the Appellant/Accused for said offences, Appellant/Accused has preferred the present Criminal Appeal.



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10. It is to be noted that subsequent to the filing of this Criminal Appeal, Appellant/Accused has married the victim girl on 16.11.2025. It is also to be noted that in the present case, the victim girl's father who lodged the police complaint against the Appellant/Accused is no more and now, the victim girl who married the Appellant/Accused does not want to pursue this case further.

11. At this juncture, it is pertinent to state that in the case of **Gian Singh Vs. State of Punjab & Anr.** reported in **(2012) 10 SCC 303**, the Hon'ble Supreme Court had held as follows:

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct 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 power 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 or F.I.R may be exercised where the offender 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.



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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 pre-dominantly 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 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 of 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."



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12. Keeping in view of the aforesaid decision of the Hon'ble Supreme Court and taking note of the fact that the dispute that existed between the Appellant/Accused and the victim girl has been amicably settled, I am of the opinion that this is a fit case to acquit the Appellant/Accused from all charges and put an end to criminal case. Hence, this Court is inclined to allow this Criminal Appeal by setting aside the impugned order.

13. Accordingly, this Criminal Appeal is allowed and Judgment dated 21.11.2023 in Spl.C.C.No.35 of 2022 passed by the learned Sessions Judge, Magalir Neethimandram (FTMC), Udhagamandalam, Nilgiris is set aside. Consequently, Appellant/Accused is acquitted of all charges. Fine amount, if any, paid by the Appellant/Accused shall be refunded to him. Bail bond(s), if any, executed by Appellant/Accused shall stand cancelled.

18.11.2025

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Index: Yes/No

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Speaking Order (or) Non-Speaking Order

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To

- 1.The Sessions Judge,
Magalir Neethimandram (FTMC),
Udhagamandalam, Nilgiris.
- 2.The Inspector of Police,
All Women Police Station – Ooty Town,
Nilgiris.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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