



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 25986 of 2025

1. KAMALAKANNAN

S/o. Sivanandam, No.18, Anjaneyar
Koil Street, Kunichampet, Puducherry-
60501.

2. Arumugam

S/o. Subramani, Pillaiyar Koil Street,
Iveli Pombur, Pombur Pot, Vanur Taluk,
Villupuram District-605652.

3. Chitra

W/o. Arumugam, Pillaiyar Koil Street,
Iveli Pombur, Pombur Pot, Vanur Taluk,
Villupuram District-605652.

4. Sivanandhan

S/o. Periyannan, No.18, Anjaneyar Koil
Street, Kunichampet, Puducherry-
60501.

5. Vasanthi

W/o. Sivanandam, No.18, Anjaneyar
Koil Street, Kunichampet, Puducherry-
60501.



Petitioner(s)

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Vs

1. The State by The Station House
Officer
Thirukanur Police Station, Puducherry,
Crime No.109 of 2025

2.redacted

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in Crime No.109 of 2025 on the file of the Station House Officer, Thirukanur Police Station, Puducherry and quash the proceedings therein.

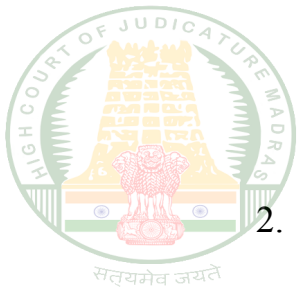
For Petitioner(s): Mr.A.Murugavel

For Respondent(s): Mr.K.S.Mohandoss
Public Prosecutor, Puducherry
For R1

R2 appeared in person

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.109 of 2025 on the file of the Station House Officer, Thirukanur Police Station, Puducherry and quash the proceedings therein.



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2. Based on the complaint given by the second respondent /de-facto complainant/victim girl, the first respondent-Police registered a case in Crime No.109 of 2025 for the offence under Section 6 of POCSO Act 2012 and under Sections 9 and 11 of Prohibition of Child Marriage Act 2006, as against the petitioners.

3. The petitioners had stated in the affidavit that second respondent/victim girl and the first petitioner /A1 married and and they are living together. Further the petitioners and the second respondent are ready to settle the dispute and they amicably entered into compromise. Hence, they submitted that the proceedings against petitioners may be quashed.

4. Mr.S.Parthasarathy, SG ASI, Thirukanur Police Station was present before this Court and he informed this Court that the de-facto complainant had approached him and informed him that since the de-facto complainant and the first petitioner got married, and living together happily, she do not want to proceed further with the criminal proceedings against the first petitioner and others.



5. The petitioners and the victim girl were also present before this Court at the time of hearing. This Court examined the victim girl and she stated that there was a love affair between herself and the first petitioner and that she is not willing to undergo this agony any further and wanted the criminal proceedings to be quashed.

6. The learned Public Prosecutor appearing on behalf of the first respondent-Police 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 here under 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 a 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

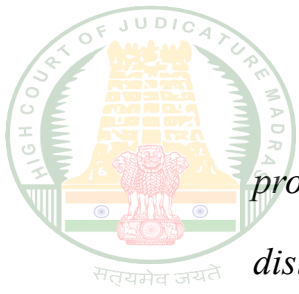


involved in the relationship is sure to be sentenced 7 years or 10 years as minimum imprisonment, as the case may be.

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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



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provision, which 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”.

8. Following the above judgment, this Court has quashed the final report in **Crl.O.P.No.232 of 2021** dated 27.01.2021 [**Vijayalakshmi and another Vs. State Represented by the Inspector of Police, All Women Police Station, Erode and another**].

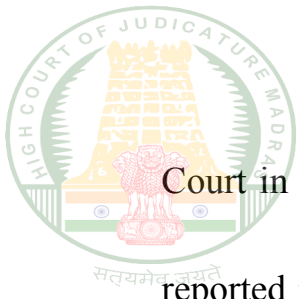
9. In the present case the second respondent and first petitioner got married and the second respondent is nine months pregnant. Incidents of this nature keep occurring regularly even now in villages and towns and occasionally in cities. After the parents or family lodge a complaint, the police register FIRs for offences of kidnapping and various offences under the POCSO Act. Several criminal cases booked under the POCSO Act fall under this category. As a consequence of such a FIR being registered, invariably the boy



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gets arrested and thereafter, his youthful life comes to a grinding halt. The provisions of the POCSO Act, as it stands today, will surely make the acts of the boy an offence due to its stringent nature. An adolescent boy caught in a situation like this will surely have no defence if the criminal case is taken to its logical end. Punishing an adolescent boy who enters into a relationship with a minor girl by treating him as an offender, was never the objective of the POCSO Act. These incidents should never be perceived from an adult's point of view and such an understanding will in fact lead to lack of empathy. An adolescent boy who is sent to prison in a case of this nature will be persecuted throughout his life. It is high time that the legislature takes into consideration cases of this nature involving adolescents involved in relationships and swiftly bring in necessary amendments under the Act. The legislature has to keep pace with the changing societal needs and bring about necessary changes in law and more particularly in a stringent law such as the POCSO Act.

10. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioners. The Hon'ble Supreme



Court in the case of ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujra***,
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 this Court while exercising its jurisdiction under Section 482 of Cr.P.C, to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine if 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.

11. In the present case, the offences in question are purely individual/personal in nature. It involves the first petitioner, the second respondent and their respective families only. It involves the future of two young persons who are 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 second respondent 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 first petitioner, victim girl and their parents as well.

12. In view of the above, this Court is inclined to quash the F.I.R in Crime No.109 of 2025 on the file of the first respondent-Police in exercise of its jurisdiction under Section 482 of the Criminal Procedure Code.

13. Accordingly, this Criminal Original Petition is allowed and the F.I.R in Crime No.109 of 2025 on the file of the first respondent-Police is quashed.

22-09-2025

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Station House Officer
Thirukanur Police Station, Puducherry,.

2. The Public Prosecutor,
Pudhucherry.



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