



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.A.No.1511 of 2025

Lakshmana Kumar (Lakshmanan)

...Appellant

Versus

State Represented by
The Inspector of Police,
All Women Police Station,
Krishnagiri District.

...Respondent

This Criminal Appeal is filed under Section 415 of BNSS praying to set aside the order of conviction dated 12.08.2025 made in Spl.S.C.No.48 of 2022 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri by allowing this appeal.

For Appellant : Mr.N.Manokaran
for Mr.J.Ramesh

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



JUDGMENT

This Criminal Appeal has been preferred by the Appellant seeking to set aside the Judgment dated 12.08.2025 in Spl.S.C.No.48 of 2022 passed by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri.

2. The brief facts of the case are as follows:

The appellant/accused and victim girl are relatives. The victim girl's elder sister viz., Mrs.Paritha (P.W.3) had married the elder brother of appellant/accused. The appellant/accused and victim girl had loved each other. While so, on 22.07.2022, at around 7.00 p.m., when the victim girl was staying alone in the house of her grandmother viz., Mrs.Chennammal (P.W.1), appellant/accused went there and forcibly he had sexual intercourse with the victim girl for multiple times. After the said incident, when the victim girl contacted the appellant/accused over mobile phone and asked him to marry her, appellant/accused refused to marry the victim girl. Aggrieved by the same, the victim girl had attempted to commit suicide by consuming rat poison, but, the victim girl's elder sister had admitted the victim girl at Hospital and saved her life. Thereafter, victim girl's grandmother (P.W.1) had lodged a complaint to the respondent Police in this regard. Based on the



complaint given by P.W.1, respondent Police had registered a case in Crime No.30 of 2022 against the appellant/accused for the offence under Section 5(l) r/w. 6(1) of POCSO Act, 2012 Amendment Act, 2019, Section 5(n) r/w. 6(1) of POCSO Act, 2012 Amendment Act, 2019 and Section 417 of IPC. After the completion of investigation, the respondent Police had filed the Final Report before the Trial Court which was taken on file in Spl.S.C.No.48 of 2022.

3. Before the Trial Court, on the side of prosecution, 18 persons were examined as witnesses viz., P.W.1 to P.W.18 and 18 documents were marked as exhibits viz., Ex.P1 to Ex.P18. On the side of appellant/accused, no witnesses were examined and no documents were marked.

4. On appreciation of the oral and documentary evidence produced before it, the Trial Court had held that appellant/accused is found guilty for commission of offence under under Section 5(l) r/w. 6(1) of POCSO Act, 2012 Amendment Act, 2019, Section 5(n) r/w. 6(1) of POCSO Act, 2012 Amendment Act, 2019 and Section 417 of IPC. Therefore, the Trial Court Judgment dated 12.08.2025 in Spl.S.C.No.48 of 2022, convicted the



appellant/accused and sentenced him as follows:

S.No.	Offence	Punishment
1	Under Section 5(l) r/w. 6(1) of POCSO Act, 2012 Amendment Act 2019	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 6 months simple imprisonment.
2	Under Section 5(n) r/w. 6(1) of POCSO Act, 2012 Amendment Act, 2019	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 6 months simple imprisonment.
3	Under Section 417 of IPC	To undergo 1 year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 6 months simple imprisonment.

Aggrieved by the said conviction and sentence, appellant/accused has preferred this Criminal Appeal before this Court.

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 17 years old minor and now, she is a major.

5.1. It is further submitted by the learned counsel for appellant/accused that the victim girl had filed an Affidavit dated 26.09.2025 stating that she is willing to marry the appellant/accused and live with the appellant/accused. The appellant/accused has filed a petition in



Crl.M.P.No.18204 of 2025 before this Court seeking to suspend the sentence imposed on him. At the time of hearing the said petition, mother of the appellant/accused appeared before this Court and stated that their family is willing to arrange the marriage of appellant/accused with the victim girl and she prayed to grant an order of suspension of sentence to appellant/accused. This Court vide Order dated 26.09.2025, 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, he married the victim girl on 31.10.2025 in the presence of his relatives and neighbours. The learned counsel has also produced the wedding photographs of appellant/accused and the victim girl before this Court.

5.3. It is submitted by the learned counsel for appellant/accused that after the appellant/accused and victim girl got married, they have entered into a Joint Compromise Memo dated 12.11.2025 which reads as follows:

- 1. The appellant humbly submits that the victim girl Mrs.Jeenath is the sister of one Mrs.Paritha, who is the wife of the appellant's brother Mr.Ram Kumar and as such the appellant came to know the victim girl*



WEB COPY



and thereafter, they frequently met each other several times and were in good terms and they started to love each other and they planned to marry each other after sometime.

- 2. The appellant submits that on the day of occurrence i.e., on 22.07.2022, the victim girl made a call to the appellant over phone and informed him that she is staying alone in the house at Alapatti Village, thereafter, the appellant came to her house on 22.07.2022 at evening time, they were talking to each other for some time, since rain started to come at that time and rain seems not to stop immediately, therefore the appellant Mr.Lakshmana Kumar happened to say with the victim girl on that day night.*
- 3. The appellant submits that he was convicted by the Trial Court in Spl.S.C.No.48 of 2022 convicting the appellant under Section 5(l) r/w. 6(1) of POCSO Act, 2012 Amendment Act, 2019 and sentenced him to undergo rigorous imprisonment for 20 years and pay a fine of Rs.1,0000/- in default to undergo simple imprisonment for 6 months; under Section 5(n) r/w. 6(1) of POCSO Act, 2012 Amendment Act, 2019 and sentenced him to undergo rigorous imprisonment for 20 years and pay a fine of Rs.1,000/- in default to undergo simple imprisonment for 6 months; under Section 417 of IPC and sentenced him to undergo rigorous imprisonment for 1 year and pay a fine of Rs.1,000/- in default to undergo simple imprisonment for 6 months and to serve the sentences concurrently by deducting the period already spent in judicial custody under Section 428 of Cr.P.C and the total fine is Rs.3,000/- by its judgment dated 12.08.2025, thereafter the appellant filed the above Crl.A.No.1511 of 2025 and moved the Suspension of Sentence in Crl.M.P.No.18204 of 2025 and at the time of hearing the suspension of sentence petition, the appellant's mother had appeared before this Hon'ble Court and deposed that the victim girl was already know to their family and that they were even willing to arrange a marriage with her*



and thereafter, this Hon'ble Court was pleased to suspend the sentence by order dated 26.09.2025.

4. *The appellant submits that the victim girl was aged 17 years on the day of occurrence i.e., on 22.07.2025 and now she is aged 20 years and become major. The appellant submits that he got married with the victim girl on 31.10.2025 at the appellant's house in front of his relatives and the neighbours and they are happily leading their family life.*

5.4. The learned counsel has produced the aforesaid Joint Compromise Memo before this Court and has prayed that the aforesaid Joint Compromise Memo may be recorded and this Criminal Appeal may be allowed.

6. Today, the victim girl, victim girl's grandmother (P.W.1/*de facto* complainant), appellant/accused and his family members have appeared before this Court. When I enquired the victim girl, she has stated that appellant/accused has married her on 31.10.2025 and now, both of them are leading their family life happily.

7. The victim girl's grandmother (P.W.1/*de facto* complainant) has stated before this Court that since the appellant/accused has married the



victim girl and he has leading a happy married life with the victim girl, she is not willing to pursue this case further.

8. In the present case, since the appellant/accused and the victim girl were relatives, they were in good terms and they had loved each other. Under these circumstances, the alleged occurrence had took place on 22.07.2022 and thus, the victim girl's grandmother (P.W.1) had lodged a police complaint against the appellant/accused. 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. The Trial Court had held in its findings that appellant/accused is found guilty for commission of offence under under Section 5(l) r/w. 6(1) of POCSO Act, 2012 Amendment Act, 2019, Section 5(n) r/w. 6(1) of POCSO Act, 2012 Amendment Act, 2019 and Section 417 of IPC and therefore, it had sentenced the appellant/accused for said offences. Aggrieved over the same, appellant/accused has preferred the present Criminal Appeal. Subsequent to the filing of this Criminal Appeal, appellant/accused has married the victim girl on 31.10.2025 and thereafter, appellant/accused and the victim girl have entered into a Joint Compromise Memo dated 12.11.2025. Therefore, now



the victim girl's grandmother (P.W.1/*de facto* complainant) does not want to pursue this case further.

9. In view of the above, Joint Compromise Memo dated 12.11.2025 entered into between the Petitioner/Accused No.1 and P.W.1/*de facto* complainant is recorded and the same shall form part of this order.

10. 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. Heinous and serious offences of mental depravity or offences like murder,



WEB COPY



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 predominatingly 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."



11. 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 between them, I am of the opinion that this is a fit case to acquit the appellant/accused from all charges. Hence, this Court is inclined to allow this Criminal Appeal by setting aside the impugned order.

12. Accordingly, this Criminal Appeal is allowed and Judgment dated 12.08.2025 in Spl.S.C.No.48 of 2022 passed by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri is set aside. Consequently, appellant/accused is acquitted of all charges. Fine amount, if any, paid shall be refunded to appellant/accused. Bail bond(s), if any, executed by appellant/accused shall stand cancelled.

12.11.2025

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order



To

WEB COPY

1. The Sessions Judge,
Fast Track Mahila Court,
Krishnagiri.
2. The Inspector of Police,
All Women Police Station,
Krishnagiri District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



T.V.THAMILSELVI, J.

mrr

Crl.A.No.1511 of 2025

12.11.2025