



CrI.O.P.No.16325 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.16325 of 2025

Kesavamoorthy

... Petitioner

Vs.

1. The State by its Rep.

Inspector of Police

All Women Police Station

Hosur, Krishnagiri

(Crime No.14 of 2022)

2. Balaji

3. XXXXX (Victim)

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records pertaining to the Spl. S.C.No.31 of 2024, pending on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri and to quash the same.

For Petitioner

: Mr.Mr.S.Kumar

For 1st Respondent

: Mr.S.Vinoth Kumar

Government Advocate (CrI. Side)



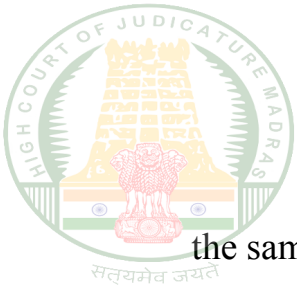
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ORDER

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This Criminal Original Petition has been filed by the petitioner to quash the case in Spl. S.C.No.31 of 2024, pending on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri.

2. The case of the prosecution is that based on the complaint given by the father of the victim/second respondent, initially, the first respondent police registered a case in Crime No.14 of 2022 for 'girl missing' and during the course of investigation, it came to light that the petitioner who had love affair with the victim girl, had taken the victim away from her lawful guardian and committed penetrative sexual assault on the victim girl. Further, the petitioner knowing well that the victim was a minor, contracted child marriage with the victim. Hence, the first respondent police altered the offences and after completion of investigation, filed charge sheet for the offences under Sections 363 and 366 IPC, Section 9 of Prohibition of Child Marriage Act, Section 5(l) read with 6(1) of Protection of Children from Sexual Offences Act, 2012 and



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the same was taken on file in Spl. S.C.No.31 of 2024 on the file of the Sessions

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Judge, Fast Track Mahila Court, Krishnagiri. Pending case, the petitioner has filed the present petition to quash the charge sheet on the ground of compromise.

3. Heard both sides and perused the materials available on record.

4. It is stated by the learned counsel for the petitioner that after the victim girl attained majority, the petitioner and the defacto complainant/father of the victim girl entered in to compromise and they wanted to quash the charge sheet on the ground of compromise.

5. Admittedly, at the time of occurrence, the victim girl was a child under the definition of POCSO Act and she had not completed the age of 18 years. Therefore, both the POCSO Act and Prohibition of Child Marriage Act would attract as against the petitioner.

6. The Hon'ble Supreme Court has given guidelines to compound an offence if the offence is against two individuals, whereas, the offences



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involved in this case are POCSO Act and Child Marriage Act which are not

compoundable offences since the said offences are against society and not against two private individuals.

7. Therefore, this Court is not inclined to quash the charge sheet on the ground of compromise.

8. Accordingly, this Criminal Original Petition is dismissed at the admission stage itself.

09.06.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Sessions Judge,
Fast Track Mahila Court, Krishnagiri

2. Inspector of Police
All Women Police Station
Hosur, Krishnagiri

3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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