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CRL OP No. 26607 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26607 of 2025

1. RANJITH

S/o. Ganesan, No.550, Gandhi Nagar,
Ranjankudi Village, Veppanthattai
Taluk, Perambalur District.

Petitioner(s)

Vs

1. The State Rep By

The Inspector of Police, Mangalamedu
Police Station, Perambalur District.
Crime No.242 of 2024

2.XXXXXX

D/o. XXXX, XXXX, Perambalur
District.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the entire records in Spl.S.C. No.03 of 2024, on the file of the learned Sessions Judge, Mahila Court, Perambalur District and quash the same, on the ground of compromise and pass such further or other orders as this Conorable Court.



For Petitioner(s): M.Vijaya Ragavan

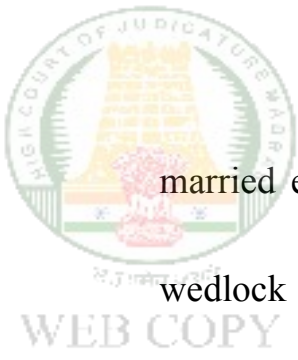
For Respondent(s): Mr.R.Vinodh Raja,
Government Advocate [Crl.Side] – R1

ORDER

This Criminal Original Petition has been filed to quash the final report filed Spl.S.C. No.03 of 2024, on the file of the learned Sessions Judge, Mahila Court, Perambalur District for the offences under sections 5[j] [ii], 5[l] read with 6 of POCSO Act, 2012 on the ground of compromise

2. The allegations against the petitioner is that petitioner on the promise of marrying the victim girl had physical relationship with her and when the second respondent asked the petitioner to marry her, it appears that he had refused to marry her.

3. The petitioner and the second respondent had filed a Joint Compromise Memo stating that the petitioner and the second respondent



married each other and running their matrimonial life happily and out of the wedlock a girl child was born to them. It is further stated in the Joint Compromise Memo that both the second respondent as well as the petitioner seek to quash the criminal proceedings against the petitioner.

4. Ms.B.Bhuvaneswari, Special Sub Inspector was present before this Court and she informed this Court that the second respondent had approached her and informed her that since the petitioner and herself had married, she do not want to proceed further with the criminal case registered as against the petitioner.

5. The second respondent was also present before this Court at the time of hearing. This Court enquired the second respondent and she stated that she had married the petitioner and they are having a child and hence, she wanted the criminal proceedings to be quashed.



6. The learned Additional Public Prosecutor appearing on behalf of the first respondent 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:

“ 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 an 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.

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



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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 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 passed an Order 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 light of the above judgments, in the present case the petitioner and the second respondent had married and they are having a child. The petitioner and the second respondent are also in their early twenties. Incidents of this nature keep occurring regularly even now in villages and towns and occasionally in cities. After the complaint being lodged, the police register FIRs for offence, as a consequence of such a FIR being registered, invariably the boy gets arrested and thereafter, his youthful life comes to a grinding halt and a person caught in a situation like this will surely have no defense if the criminal case is taken to its logical end.

10. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-



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compoundable offences pending against the petitioner. The Hon'ble Supreme Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*, 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 petitioner and 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 petitioner and the second respondent 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 petitioner and the second respondent and their parents as well.

12. In view of the above, this Court is inclined to quash the criminal case in S.C.No.3 of 2024 on the file of the Sessions Judge, Mahila Court, Perambalur, in exercise of its jurisdiction under Section 482 of Cr.P.C./528 of BNSS.

13. Accordingly, this Criminal Original Petition is allowed and the the case in S.C.No.3 of 2024 on the file of the Sessions Judge, Mahila Court, Perambalur, is quashed.

26-09-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. The Sessions Judge,
Mahila Court, Perambalur
2. The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
Crime No.242 of 2024
3. The Public Prosecutor,
High Court, Madras.



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