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CRL OP No. 27976 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 27976 of 2025

1. KAMARAJ

S/o.Govindan, No.171, West Street,
Vilamuthur, Nochiyam Post,
Perambalur Taluk and District.

Petitioner(s)

Vs

1. State rep.by, The Inspector of Police,
All women Police Station, Perambalur,
Perambalur District. Cr.No.54 of 2023.

2.Mariyayi

W/o.Kathiresan, Pillayar Kovil Street,
Vilamuthur, Nochiyam Post,
Perambalur Taluk and District.

3.XXX

D/O.XXX, XXX, Perambalur District.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the entire records in connection with the Impugned FIR in Cr.No.54 of 2023, on the file of the 1st respondent police and quash the same on the ground of



compromise and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case.

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For Petitioner(s): M/s.M.Vijaya Ragavan

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

R2 & R3 appeared in person

ORDER

This Criminal Original Petition has been filed to quash the First Information registered in Crime No.54 of 2023 on the file of the first respondent police for the offences under sections 5[1], 5[j][ii] and 6 of Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the petitioner developed a lover affair with the victim girl, who is aged about 17 years, and committed penetrative sexual assault on the victim on several occasions and thereby the victim girl got pregnant.



3. The second and third respondents along with the petitioner had filed a Joint Compromise Memo stating that the petitioner and the victim girl got married and they are running their matrimonial life peacefully and happily and a female child has been born to them. Therefore, the defacto complainant and the victim girl are not willing to pursue the case against the petitioner and they had decided to withdraw the case and hence, seeks to quash the First Information Report.

4. The second and the third respondents were also present before this Court at the time of hearing and they were identified by Mr.S.Venkatesan, HC, Perambalur P.S. This Court enquired the second and third respondents and they had stated that the victim girl and the petitioner were now married and they are having a girl child and hence, they wanted the criminal proceedings to be quashed.

5. The learned Government Advocate [Criminal Side] 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.

6. 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 a young age without understanding the implication of the severity of the enactment.



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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 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”.



7. 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**].

8. In light of the above judgments, in the present case the petitioner and the third respondent have been married and they are having a girl child. The petitioner and the third 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.

9. 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.

10. In the present case, the offences in question are purely individual/personal in nature. It involves the petitioner and the third 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 third 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 third respondent and their parents as well.

11. In view of the above, this Court is inclined to quash the case registered in Crime No.54 of 2023 on the file of the first respondent in exercise of its jurisdiction under Section 482 of the Criminal.

12. Accordingly, this Criminal Original Petition is allowed and the case in Crime No.54 of 2023 on the file of the first respondent registered against the petitioner, is quashed. The Joint Compromise Memo filed by the parties dated 09.10.2025 shall form part of the records.

16-10-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. The Inspector of Police,
All women Police Station, Perambalur,
Perambalur District. Cr.No.54 of 2023.

2. The Public Prosecutor,
High Court, Madras.



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N.SATHISH KUMAR J.

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