

Crl.O.P.(MD)No.7875 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.7875 of 2025

and

Crl.M.P(MD) No.5903 of 2025

S.Duraipandi

... Petitioner/Sole Accused

Vs.

1.The State through
The Inspector of Police,
All Women Police Station,
Oddanchatram, Dindigul District.

2. The Legal cum Probation Officer,
District Child Protection Unit,
Dindigul District.

3. C.Thulasimani

... Respondents

*(R3 is impleaded as per order dated 03.09.2025
in Crl.M.P.(MD).No.11777/25 in Crl.OP(MD).No.7875/25
by SMJ)*

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023,
to call for records pertaining to the Spl.SC.No.64 of 2024 pending on the file
of the learned Fast Track Mahila Court, Dindigul and quash the same as against
the petitioner.



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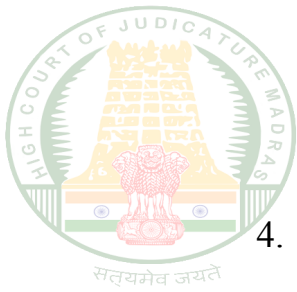
For Petitioner : Mr. N.Kamesh
For R-1 & R2 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)
For R3 : Mr.P.Pandiarajan

ORDER

This petition has been filed to quash the impugned Charge Sheet filed in Special S.C.No.64 of 2024 on the file of the Fast Track Mahila Court, Dindigul for the offences punishable under Section 9 of Child Marriage Act r/w.Sections 5(l), 5(n), 5(j)(ii) and 6 of the POCSO Act, 2012.

2. The allegation against the petitioner is that the petitioner induced the victim and had sexual intercourse with her, when she was aged about 17 years, as a result of which, the victim became pregnant, and thus, committed the aforesaid offences. The FIR was lodged by the Legal cum Probation Officer, District Child Protection Unit, Dindigul.

3. The learned counsel for the petitioner and the learned counsel for the third respondent/victim would submit that the petitioner had a love affair with the victim, whose Date of Birth is 15.06.2006; that now she has become a major; and that the petitioner and the victim got married and subsequently registered the marriage on 06.09.2025 under the Hindu Marriage Act. The marriage certificate has been produced before this Court.



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4. Mrs.J.Sahayarani, Women Head Constable-1414, Oddanchatram

AWPS, Dindigul, is present before this Court in person and confirms that the petitioner and the victim girl got married and a female child is also born out of the wedlock. The parties have filed a joint compromise memo, dated 30.04.2025 and the scanned copy of the compromise memo reads as follows:

IN THE HIGH COURT OF JUDICATURE MADRAS AT MADURAI BENCH
(Criminal Original Jurisdiction)
Crl.O.P. (MD) No. 7 8 7 5 of 2 0 2 5
Spl.SC.No. 6 4 / 2 0 2 4
(On the file of learned Fast track Mahila Court, Dindigul)

S,Duraipandi (M/22),
S/o.Seenikkalai,
Periyurpatti Village,
Sendurai,
Natham taluk,
Dindigul District,Petitioner / Sole Accused.,

-Vs-

1. State through
The Inspector of Police,
All Women Police Station,
Oddanchatram,
Dindigul District.1st Respondent/ Complainant

2. The Legal cum Probation Officer
District child protection unit,
Dindigul District2nd Respondent / Defacto Complainant

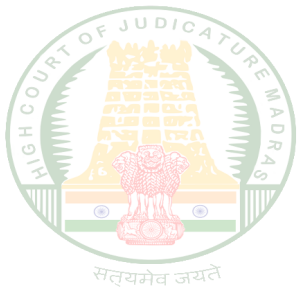
3. C.Thulasimani (F/20),
W/o.Duraipandi,
Periyurpatti Village,
Sendurai,
Natham taluk,
Dindigul District.3rd Respondent / Victim girl

JOINT MEMO FILED BY PETITIONER AND 3rd RESPONDENT

The petitioner and the 3rd respondent beg to submit as follows:-

S.Duraipandi
Petitioner

S.Thulasimani
3rd Respondent



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It is respectfully submitted that based on the complaint given by the 2nd respondent/De facto complainant the 1st respondent police registered FIR in Crime no. 23 of 2023 for the alleged offences U/s. 9 of Child Marriage Restraint Act r/w sec 5(l), 5 (n), 5 (j) (ii) & 6 of Protection of Child from Sexual offences Act dated 15.7.23. Subsequently proper enquiry conducted by the 1st Respondent and final report has been filed on 31.05.24, later it was numbered as Spl.SC.No. 64 / 2024 before learned Fast track Mahila Court, Dindigul. The 3rd Respondent and the Petitioner living happily with their child Yogasri in Petitioner's house, both of them parents accepted our marriage. Since the matter has been compromised the 3rd Respondent / Victim girl has no objection to quash charge sheet pending in Spl.SC.No. 64 / 2024 before learned Fast track Mahila Court, Dindigul.

Dated at Madurai on this 30th day of APR 2025

S. Durani Pandi

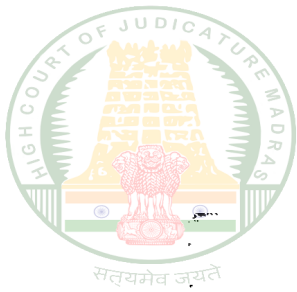
Petitioner

D. Thulasimani

3rd Respondent

COUNSEL FOR PETITIONER

COUNSEL FOR 3rd RESPONDENT



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IN THE HIGH COURT OF JUDICATURE MADRAS AT MADURAI BENCH
(Criminal Original Jurisdiction)

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Crl.O.P. (MD) No. 7875 of 2025

In
Spl.SC.No. 64/2024

(On the file of learned Fast track Mahila Court, Dindigul)

S, Duraipandi (M/22),
S/o: Seenikkalai,
Periyurpatti Village,
Sendurai,
Natham taluk,
Dindigul District. ...Petitioner / Sole Accused

VS-

1. State through
The Inspector of Police,
All Women Police Station,
Oddanchatram
Dindigul District. ...1st Respondent/ Complainant

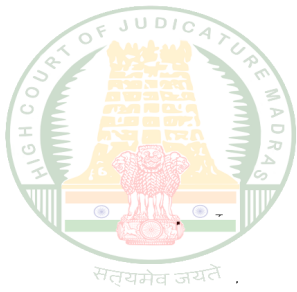
2. The Legal cum Probation Officer
District child protection unit,
Dindigul District. ...2nd Respondent / Defacto Complainant

3. C.Thulasimani (F/20),
W/o.Duraipandi,
Periyurpatti Village,
Sendurai,
Natham taluk,
Dindigul District. ...3rd Respondent /Victim girl

Affidavit filed by C.Thulasimani / 3rd Respondent

I, C.Thulasimani, W/o.Duraipandi, Hindu, aged about 20 years, residing at Periyurpatti Village, Sendurai, Natham taluk, Dindigul District, now temporarily come down to Madurai do hereby solemnly affirm and sincerely state as follows.

D. Thulasimani



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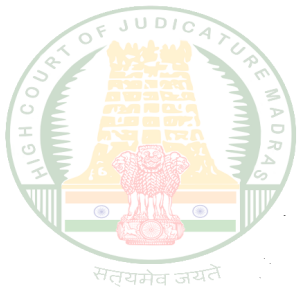
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1. I am the 3rd Respondent / Victim girl herein and as such I am well acquainted with the facts of the case.

2. I submit that I and the Petitioner/ Accused are the relations, I studied up to 10th std and the Petitioner/Accused studied up to 12th std, both of them meet in the working place and loved each other for more than 1 year. In mean time my father search alliance to me and also I informed our relationship to my father but he can't accept it and my parents reprimanded me. So that I pressurized the Petitioner /Accused for doing marriage, due to my pressure he accepted for the marriage. On 21.8.2022 the marriage solemnized between me and the petitioner at Muthalamman koil as per Hindu religious custom in the presence and blessings of our friends.

3. I submit that my mother in law and father-in-law accepted our marriage, after that everything went smoothly between both of them and out of the wed lock one female child namely Yogasri was born on 6.7.2023 and she is two years old now. During at the time of permanent I was taken to a Govt. Medical College & Hospital, Dindigul took by my maternal aunt for treatment on 30.6.23 and a doctor report confirmed that I was nine months pregnant. When the doctor inquired about the age and marital status, I revealed that I was 17 years old and married, subsequently I gave birth to female child on 6.7.23. The doctor informed this to the 2nd Respondent herein and the 2nd Respondent conducted enquiry and lodged a complaint against the Petitioner before the 1st Respondent and based on the report the 1st Respondent registered the FIR in Cr.No.23/2023 dated 15.7.23, consequently charge sheet also filed Spl.SC.No.1642/2024 before learned Fast track Mahila Court, Dindigul on 31.6.24.

D. Thevasimani



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4. At present scenario, I and the Petitioner living happily with our child Yogasri in my maternal home, both of them parents accepted our marriage and I am as house wife. Since, I have no objection to quash the Charge sheet pending on the file of learned Fast track Mahila Court, Dindigul.

It is therefore prayed that this Hon'ble Court may be pleased to quash the charge sheet pending in Spl.SC.No. 64 / 2024 before learned Fast track Mahila Court, Dindigul and thus render justice.

Solemnly affirmed and
Signed her name in my
Presence at Madurai on
30th day of Apr 2025.

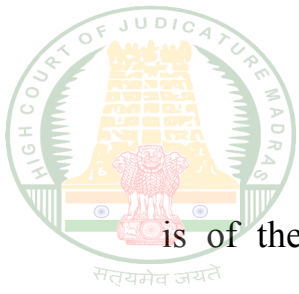
D. Thulasimani

BEFORE ME,
ADVOCATE, MADURAI.

V. Jayanthi 1684121
not a husband
not a husband
269520443

5. The Hon'ble Supreme Court in the case of ***Mahesh Mukund Patel Vs. State of U.P. And Others reported in 2025 SCC Online SC 614*** had held that in a case of nature, where the victim, after attaining majority has married the accused and their marriage is also registered, no useful purpose would be served by continuing the prosecution and that it would cause undue hardship to all the parties concerned.

6. Considering the fact that the petitioner had married the victim girl, the marriage has been registered and in view of the aforesaid observation made by the ***Hon'ble Supreme Court in Mahesh Mukund's case cited supra***, this Court



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is of the view that no useful purpose would be served by continuing the prosecution. Accordingly, the impugned Final Report in Spl.S.C.No.64 of 2024 on the file of the Fast Track Mahila Court, Dindigul is quashed.

7. In the result, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

23.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
gvn

To

1.The Fast Track Mahila Court,
Dindigul.

2. The Inspector of Police,
All Women Police Station,
Oddanchatram, Dindigul District.

3. The Legal cum Probation Officer,
District Child Protection Unit,
Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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