



Crl.O.P.(MD) No.11667 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.11667 of 2025

Arun

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by its
The Inspector of Police,
All Women Police Station,
Oddanchatram, Dindigul District.
(Crime No.8 of 2024)

2.Mallika
Extension Officer,
Oddanchatram, Dindigul District.

3.xxxxxx

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the charge sheet in Spl.S.C.No.142 of 2024 on the file of the Special Court for Exclusive Trial of POCSO Act cases, Dindigul and quash the same as illegal.

For Petitioner : Mr.R.Venkatesan

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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For R3

: Mr.V.Dharmaraj

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in Spl.S.C.No.142 of 2024 on the file of the Special Court for Exclusive Trial of POCSO Act cases, Dindigul, filed against the petitioner for offences punishable under Sections 5(l), 5(j)(ii), 9 & 6(1) of the Protection of Children from Sexual Offences Act, 2012.

2. The gist of the allegations in the final report is that the petitioner, who was born on 06.06.2007, and the victim girl, who was born on 19.04.2007, had a love affair; that on 17.11.2023, when both of them were 16 years old, they left their respective homes; that the petitioner then married the victim girl and had sexual intercourse with her, as a result of which she became pregnant, and thus committed the aforesaid offences.

3. The impugned final report has been filed before the Special Court for Exclusive Trial of POCSO Act Cases, Dindigul. Admittedly, both the petitioner and the victim girl were minors at the time of occurrence. The petitioner ought to have been tried as a juvenile. However, it is seen that the first respondent has filed the final report before the Special Court.



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4. Be that as it may, both the petitioner and the victim girl have now attained majority and are living together. In fact, a child has been born to them. The parties have filed a joint compromise memo dated 07.07.2025.

5. The petitioner, along with his parents, are present before this Court in person. The victim girl, along with her parents, is also present before this Court in person and would confirm that she is living with the petitioner with the support of their parents and that she does not wish to pursue the impugned prosecution. The parties are identified by M/s.M.Kowsalya, Sub-Inspector of Police, All Women Police Station, Oddanchatram.

6. The learned counsel for the petitioner would submit that though the petitioner and the victim girl are living together with the support of their parents; that the marriage could not be registered since the petitioner has not attained the age of 21 years, and in view of the aforesaid facts, the impugned prosecution may be quashed.



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WEB COPY 7. This Court, in cases of this nature involving love affairs and subsequent compromise, always insisted that the marriage between the accused and the victim girl ought to be registered. However, in this case, the marriage cannot be registered as the petitioner, who is younger than the victim girl, has not yet attained the age of 21 years.

8. Hence, considering the fact that the petitioner and the victim girl are living together with their child, in view of the compromise and the affidavits filed by the petitioner, the victim girl, the petitioner's mother, namely Angammal [Aadhaar No. 3862 4260 5477], and the victim girl's mother, namely Chinnaponnu [Aadhaar No. 5324 8767 7941], this Court 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.142 of 2024, on the file of the learned District and Sessions Judge, Special Court for Exclusive Trial of POCSO Act Cases, Dindigul, is quashed. The compromise memo dated 07.07.2025 filed by the parties shall form part and parcel of this order.



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WEB COPY 9. In the result, this Criminal Original Petition is allowed.

Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judge,
Special Court for Exclusive Trial of POCSO Act cases,
Dindigul.
- 2.The Inspector of Police,
All Women Police Station,
Oddanchantram, Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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