



Crl.R.C.(MD)No.1086 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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1.M.Nagarajan
2.Suganthiradevi
3.Thangavel
4.Valarmathi
5.T.Thirupathi
6.Rajamani
7.S.Divya

... Petitioners/Accused Nos.3-9

Vs.

The State.Rep by
The Inspector of Police,
All Women Police Station,
Kulithalai, Karur District.
(Crime No.22/2025)

... Respondent/Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records in Crl.M.P.No.313 of 2025 on the file of the learned Additional Sessions Judge, Fast Track Mahila Court, Karur and set aside the order dated 01.08.2025 and Consequently relax or suitably modify the bail condition imposed on the petitioners in Crl.M.P.No.270 of 2025 by permitting periodic appearance instead of daily reporting.



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For Petitioners : Mr.C.Prithviraj
For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

This Criminal Revision Case challenges the order dated 01.08.2025 passed by the learned Additional Sessions Judge, Fast Track Mahila Court, Karur, in Crl.M.P.No.313 of 2025, whereby the petitioners' request to relax the condition of daily appearance before the respondent police at 10.00 a.m. was rejected.

2. The case arises out of Crime No.22 of 2025, registered for offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Sections 5(l), 5(j)(ii) read with Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 (herein after referred as POCSO Act).

3. The Trial Court, considering the gravity of the offences and the involvement of the petitioners in attending the child marriage in question, refused to dilute the condition of daily appearance.



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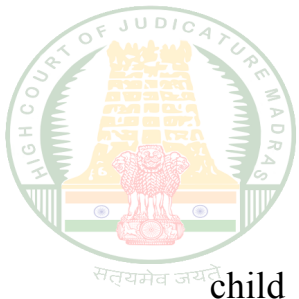
4. The learned counsel for the petitioners submitted that the Trial Court had already relaxed the bail condition for the 1st accused, Rajamanickam, in Crl.M.P.No.327 of 2025 dated 14.08.2025, by directing him to sign before the respondent police only twice a week.

5. This Court is constrained to note the inconsistency in the Trial Court's approach, inasmuch as while rejecting the petitioners' prayer on 01.08.2025, it subsequently passed a favourable order in respect of the 1st accused on 14.08.2025. Such inconsistency undermines the gravity of the offence involved.

6. Coming down heavily on this inadvertence, this Court, suo motu, sets aside the order passed in Crl.M.P.No.327 of 2025 on the file of the Additional Sessions Judge, Fast Track Mahila Court, Karur, dated 14.08.2025.

7. Analysis:

(a) At this juncture, it is necessary to emphasise that the evil of



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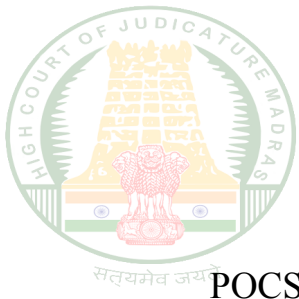
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child marriage continues to haunt our society despite statutory prohibitions. The Prohibition of Child Marriage Act, 2006 criminalises the solemnisation, abetment, and participation in child marriages. Sections 9 and 10 of the Act clearly render punishable any person who conducts, promotes, or even permits child marriage. The present case is a stark reminder of how such unlawful social practices continue to find silent approval through the participation of extended family and community members.

(b) Section 9 of the Prohibition of Child Marriage Act, 2006 makes it an offence for any male adult to marry a child, while Section 10 punishes those who perform, conduct, or abet such marriages. Participation, even as a relative or community elder, falls within the purview of abetment. In *Seema v. Ashwani Kumar*¹, the Hon'ble Supreme Court underscored the significance of compulsory registration of marriages to prevent exploitation, particularly of women and children.

(c) Further, the allegations attract Sections 5(l) and 5(j)(ii) of the

¹ (2006) 2 SCC 578



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POCSO Act, 2012, which criminalise aggravated penetrative sexual assault on a child, especially when arising out of forced or arranged child marriages. These provisions underscore that child marriage is not merely a social evil but a criminal infringement on the bodily integrity, dignity, and liberty of the child victim. In the landmark case of ***Independent Thought v. Union of India***², the Hon'ble Supreme Court held that sexual intercourse with a minor wife is also rape under Section 375 of IPC, thereby harmonising the provisions of the POCSO Act with the prohibition of child marriages. This judgment made it clear that child marriage, far from being a private or social arrangement, is a criminal offence that directly violates the rights of the child. The significant portion of the said judgment is extracted as follows:

“146.

5.1. Child marriage is not only a violation of human rights, but is also recognised as an obstacle to the development of young people. The practice of child marriage cut shorts a critical stage of self- discovery, and exploring one's identity. Child marriage is an imposition of a marriage partner on children or adolescents who are in no way ready and matured, and thus, are at a loss to understand the significance of marriage. Their development gets comprised

2 (2017) 10 SCC 800



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due to being deprived of freedom, opportunity for personal development, and other rights, including health and well-being, education, and participation in civic life and nullifies their basic rights as envisaged in the United Nations convention on the right of the child ratified by India in 1989. Marriage at a young age prevents both girls and boys from exercising agency in making important life decisions and securing basic freedoms, including pursuing opportunities for education, earning a sustainable livelihood, and accessing sexual health and rights.

12.

The consequences of child marriage of girls may include early pregnancy, maternal and neonatal mortality, child health problems, educational setbacks, lower employment/livelihood prospects, exposure to violence and abuse, including a range of controlling and inequitable behaviors, leading to inevitable negative physical and psychological consequences, and limited agency of girls to influence decisions about their lives.

Census data have demonstrated an upswing of female deaths in the age group of 15 to 19 years. This high mortality rate could be attributed to the death of teenage mothers. Child marriage virtually works like a double edged sword; lower age at marriage is significantly associated with worse outcomes for the child and worse pregnancy outcomes for the



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mother. All these factors push girls and their families into perpetuation of intergenerational poverty and marginalisation. The impact of early marriage on girls, and to a lesser extent on boys is wide ranging, opines the Innocenti digest on child marriage. Child brides often experience overlapping vulnerabilities- they are young, often poor and under educated. This affects their sources and assets they can bring into their marital household, thus reducing their decision-making ability. Child marriage places a girl under the control of her husband and often limiting her ability to voice her opinions and form and pursue her own plans and aspirations. While child marriage is bound to have a detrimental effect on boys who would need to shoulder the responsibility of a wife and in most cases, have to also discontinue their education, there is very little research evidence to capture the long-term economic and psychological effect on boys who are married early. The lancet 2015 acknowledges that Adolescent boys are not important and neglected part of the equation. The assumption that girls need more attention than boys is now being challenged. Looking at the impact of early marriage from right's perspective, it can be said that the key concerns are denial of childhood and adolescence, curtailment of personal freedom, deprivation of opportunities to develop a full sense of self-hood and denial of psychosocial and



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emotional well-being, reproductive health and educational opportunity, along with consequences described earlier.”

(d) Beyond statutory obligations, there is a constitutional dimension. Article 51-A (e) of the Constitution of India imposes a fundamental duty on every citizen to renounce practices derogatory to the dignity of women. Today’s girl child being tomorrow’s woman, child marriage is a direct assault on such dignity, depriving a child of her right to education, health, and a dignified childhood. It is, therefore, the duty of every individual not only the State machinery to stand up to the occasion and prevent such marriages from being solemnised. Article 51-A(k) of the Constitution casts a fundamental duty on every parent or guardian of a child “to provide opportunities for education to his child”. Child marriage, deprives young girls of their childhood, education, and health, squarely falls within such derogatory practices. It is high time for each and every citizen of this land to acknowledge that it is our duty to uphold constitutional morality over social morality. It is high time for the Indian community at large to stand up to the situation and contribute voluntarily in curbing the unlawful community practices of child



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marriages. Each and every educated Indian should exercise his fundamental duty by enlightening the ignorant , that the social evil of child marriages need to be eradicated for it curtails individual freedom and livelihood itself, perpetuating inequality and systemic injustice.

(e) Courts cannot overlook the larger societal implications of condoning participation in child marriages. Every citizen, particularly parents and relatives, has a responsibility to prevent such marriages. Passive participation or acquiescence amounts to tacit approval and renders one culpable under the Prohibition of Child Marriage Act.

(f) The judiciary has repeatedly held that participation, even passive, in such unlawful marriages amounts to tacit approval of a criminal act. Citizens must not shelter themselves under customary practices or social pressures but must actively shun child marriages. Parents, relatives, and community leaders have a heightened duty to ensure compliance with the law, failing which they are liable for penal consequences.



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(g) This Court, therefore, while dealing with a bail modification matter, cannot overlook the larger societal responsibility. Relaxation of bail conditions in such grave offences must be approached with utmost caution, as any leniency may be misunderstood as judicial endorsement of the practice. It is imperative that courts adopt a stern stance to send a clear message that child marriage will not be tolerated under any circumstances.

(h) Therefore, relaxation of bail conditions in such cases must be approached with extreme caution. Any dilution may send a wrong signal to society, thereby emboldening those who attempt to perpetuate child marriages under the guise of tradition or social compulsion.

8. In the present case, the offences alleged strike at the very foundation of child rights and dignity. The Prohibition of Child Marriage Act, 2006, and the POCSO Act, 2012, read with Article 51-A of the Constitution, make it abundantly clear that eradicating child marriage is not only a statutory mandate but also a constitutional duty of every citizen.



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9. In view of the above, this Criminal Revision Case is dismissed.

Consequently, all accused in Crime No.22 of 2025 are directed to strictly comply with the original bail condition imposed by the learned Trial Court in Crl.M.P.No.270 of 2025, namely, to appear daily before the respondent police at 10.30 a.m. for a further period of one month, and thereafter to report twice a week for a period of one year.

18.08.2025

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

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To

- 1.The Additional Sessions Judge,
Fast Track Mahila Court,
Karur.
- 2.The Inspector of Police,
All Women Police Station,
Kulithalai, Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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L.VICTORIA GOWRI ,J.

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Order made in
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Dated: 18.08.2025