



CRL OP(MD). No.15792 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/09/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.15792 of 2025

1. Thamaraiselvam,

2. Tamilarasi,

3. Raja,

4. Chinnadurai,

... Petitioners

Vs

1.State of Tamilnadu
Rep by Inspector of Police,
Ponnamaravathi Police Station,
Ponnamaravathi,
Pudukottai District.
In Cr. No. 266 of 2021.

2.Chinnaiah

3.Xxxx,

.....

...

Sivagangai District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS,



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to call for the records in Spl.S.C.No.26/2022 on the file of the learned District and Sessions Judge, Mahila Court, Pudukottai, and quash the same.

For Petitioner : Mr.E.Satish Rajkumar,

For R1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For R2 : Mr.S.Pandiyaraj

ORDER

The petitioner seeks to quash the impugned charge sheet in Spl.S.C.No.26/2022, on the file of the learned District and Sessions Judge, Mahila Court, Pudukottai, which was filed for the offences under Sections 9 of Child Marriage Restraint Act and Sections 109, 366(A) of IPC and Sections 5(L) and 6(1) of Protection of Child From Sexual Offences Act, 2019.

2.The allegation in the final report is that when the victim girl was a minor, the first petitioner, who was in love with the victim girl, had sexual intercourse with her and also committed the offence of kidnapping.



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3. When the matter was taken up for hearing on 22.09.2025, the learned counsel for the petitioners and the learned counsel for the defacto complainant submitted that the victim girl has now married the first petitioner and also produced the marriage certificate.

4. The victim girl and her mother were present before this Court in person before this Court and were identified by M/s.L.Sarumathi, Woman Head Constable, Ponnamaravathi Police Station, Pudukottai District. This Court enquired the victim girl and her mother as to whether a marriage had taken place. The victim girl, who is now aged about 20 years and her mother confirmed that the victim girl has married the first petitioner. Hence, this Court had adjourned the case today to enable the learned Additional Public Prosecutor to verify the genuineness of the marriage certificate.

5. Today, the learned Additional Public Prosecutor, on instructions would confirm that the first petitioner has married the victim girl and the marriage has been registered.

6. The parties have filed a joint compromise memo, dated 19.09.2025 and the scanned copy of the compromise memo reads as follows:



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

CrI.O.P. (MD) No. 15792 of 2025
in

Spl. S.C: 26 of 2022

(On the file of the District and Sessions Judge, Mahila Court,
Pudukottai District)

1. Thamaraiselvam (Male/Age- 34/25)
S/o Arumugam,
11-1-3, Vadakkuvalavu, Chettiyar Street,
Singampunari,
Thiruppathur Taluk,
Sivagangai District.

2. Tamilarasi (Female/ Age- 49/25).
W/o Arumugam,
11-1-3, Vadakkuvalavu, Chettiyar Street,
Singampunari,
Thiruppathur Taluk,
Sivagangai District.

3. Raja (Male/ Age- 49/25)
S/o Ramaiah
Seliyampatti,
Singampunari,
Thiruppathur Taluk,
Sivagangai District.

4. Chinnadurai (Male/ Age- 52/25),
S/o Matchakalai
Pitchakkalanpatti,
Varpattu (P.o),
Ponnamaravathi Taluk,
Pudukottai District

Petitioners/Accused 1 to 4

-Vs-

1. The Inspector of Police
Ponnamaravathi Police Station,
Ponnamaravathi
Pudukottai District:
in Cr.No. 266 of 2021

Respondent/ Complainant

A. Thamaraiselvam
A. 56/698
A. 57/27
M. 2/10



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2. Chinnaiah (Male/Age-51/25)
S/o. Patchai
Chinnavarkulam,
Varpattu (P.o),
Ponnamaravathi Taluk,
Pudukottai District

...Respondent / Defacto Complainant

3. ----- (Female/ Age 20/25)

Sivagangai District

...3rd Respondent/Victim girl

COMPROMISE MEMO

1. It is submitted that the case of the prosecution is on 08.08.2021 the defacto complainant's daughter aged about 17 years old was missing and the defacto complainant lodged the complaint on 11.08.2021 before the 1st respondent police and FIR was registered for girl missing. The 1st Respondent secured the victim girl on 06.12.2021 and arrested the 1st petitioner. Thereafter the respondent police altered the sections under sections Girl Missing, 366(A) and 109 of IPC @ 366(A), 109 of IPC r/w 5 (L) and 6 (1) of POCSO (Amendment) Act 2019 r/w section 9 of Child Marriage Restraint Act 2006.

2. It is submitted that after the victim girl become major, the marriage was solemnized on 05.03.2024 between the 1st Petitioner and the victim girl. On same day marriage was registered at Nagalnayakkanpatti, Dindigul District. Now the 1st Petitioner and the victim girl are living under the same roof. The 1st Petitioner is working as coolie to eke out their livelihood. Quashing the proceedings, will

< *[Signature]*

A. Thamaraiselvan
A. S. Lakshmi
B. S. Srinivas
M. Chinnaiah



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:-3:-

not affect any overriding public interest in this case and it will in fact pave way for the petitioners and the victim girl 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 for any reason if the criminal proceedings are allowed to continue that will cause great hardship and inconvenience.

Hence, the case in Spl.S.C.No. 108 of 2020 on the file of the District and Sessions Judge, Mahila Court, Madurai is unnecessary and the same has to be quashed in the light of the above circumstances and this Hon'ble Court may be pleased to pass suitable orders and thus render justice.

Petitioners

A. Tamaraiselvam
A. Subash
A. Jagan
M. Shinde

S. Sathish Rajkumar
Petitioners counsel 10/11/20

S. Sathish Rajkumar.
MS No. 1074/12.

No. 1, Cow Chamber
Madurai Fresh Club.
Madurai - 23

Ph. - 9944240053.

3rd respondent

A. Jagan

J. yem Subramaniam
3rd Respondents Counsel

J. yem Subramaniam
MS No. 1566/18

No. 15, Dharmapoccolam
1st Street
Vilangudi.
Madurai - 18
8608017918



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7. 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 this 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.

8. Considering the fact that the petitioner had married the victim girl, who has now attained majority, 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 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.26 of 2022 on the file of the learned District and Sessions Judge, Mahila Court, Pudukottai, is quashed.

25.09.2025

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



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TO

- 1.The District and Sessions Judge, Mahila Court, Pudukottai,
- 2.The Inspector of Police,
Ponnamaravathi Police Station,
Ponnamaravathi,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

CP

ORDER
IN
CRL OP(MD) No.15792 of 2025

Date : 25/09/2025