



Crl.A(MD)No.1098 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 15/12/2025

CORAM

**THE HONOURABLE MR JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS JUSTICE R.POORNIMA**

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Mahendran : Appellant/1st Accused
Vs.

State of Tamil Nadu
rep. By the Inspector of Police,
All Women Police Station,
Nilakottai, Dindigul District.
(In Crime No.12 of 2022). : Respondent/Complainant

Prayer:- This Criminal Appeal is filed under Section 419 of BNS, to call for the records in Special SC No.156 of 2023 relating to the judgment, dated 29/08/2024 passed by the learned Special Court (POCSO Act Cases), Dindigul and to set aside the judgment of conviction on the appellant/accused and pass such further or other orders.

For Appellant : Mr.S.Muniyandi

For Respondent : Mr.R.Meenakshi Sundram
Additional Public Prosecutor



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J U D G M E N T

(Judgment of the Court was made by the Hon'ble **G.K.ILANTHIRAIYAN.J.**)

This Criminal Appeal is directed as against the judgement of conviction passed in Special SC No.156 of 2023 by the Special Court for POCSO Act cases, Dindigul.

2.The case of the prosecution is that on 10/09/2021 at about 06.30 am, the first accused performed marriage with the minor victim girl with the help of his parents namely the accused 2 and 3. Thereafter, the first accused had physical relationship with the minor victim girl. On receipt of the information, Social Welfare Officer lodged a complaint before the respondent police and the same was registered in Crime No.12 of 2022 for the offences punishable under Sections 9 and 11 of the Prohibition of Child Marriage Act, 2006 and Section 5(l) r/w 6 of POCSO Act. After completion of the investigation, the respondent filed a final report and the same was taken cognizance by the trial Court in Special SC No.156 of 2023.

3.In order to bring home the charges, the prosecution had examined PW1 to PW12 and marked documents Ex.P1 to P11. On the



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side of the accused, no one was examined and no document was produced before the trial Court.

4.After perusal of the evidence both oral and documentary, the trial Court found the appellant herein/A1 guilty for the offence punishable under Section 6 of the POCSO Act, 2012, and sentenced him to undergo **Life Imprisonment** and to pay a fine of Rs.1,00,000/- in default to undergo one year SI. Accused 2 and 3 were acquitted by the trial Court. Aggrieved over the judgment of conviction , the present appeal is filed by the first accused as appellant.

5.The learned counsel for the appellant/A1 submits that it was an arranged marriage between the appellant/A1 and the victim girl by their parents; At that time of their marriage, she was a minor; Therefore, on receipt of the information, the District Social Welfare Officer lodged the complaint; In fact, during trial, both were living together and only due to the conviction imposed by the trial Court, now the appellant/A1 is confined in Madurai Central Prison to undergo Life Imprisonment. He further submits that no one is aggrieved either the parents of the appellant or the parents of the minor victim girl, with regard to their marriage. Now, she attained majority, since she was born on 19/04/2007 and now she has completed 18 years of age as on 19/04/2025 itself.



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6. In view of the above submission, this Court directed the respondent to produce the victim girl before this Court and the victim girl appeared before this Court and deposed that she got married with the appellant, on 10/09/2021 and it was an arranged marriage by her parents along with the parents of the appellant herein. Though at the time of her marriage, she was a minor, now she has attained the age of majority as on 19/04/2025 and she is ready to live with the appellant/A1 and there was no compulsion at the hands of the appellant/A1.

7. The parents of the victim girl also present before this Court and they have no objection for her daughter to live with the appellant/A1. In view of the same, no purpose would be served if the conviction and sentence continues on the appellant/A1.

8. In view of the above, the judgement of conviction and sentence passed in Special SC No.156 of 2023 by the Special Court for POCSO Act Cases, Dindigul, is hereby set aside on condition that the appellant/A1 shall marry the victim girl and register their marriage before the concerned authorities on or before 26/01/2026, in which the parents of both parties should be the witnesses and produce the marriage certificate before this court.



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9.In the result, this Criminal Appeal is **allowed** and the judgment of conviction and sentence passed by the Special Court (POCSO Act Cases), Dindigul, in Special SC No.156 of 2023, dated 29/08/2024 is set aside and the appellant/A1 is acquitted from the charge. It is reported that the appellant/A1 is on bail. Bail bonds executed by the appellant/A1 shall stand cancelled. Fine amount, if any, paid by the appellant/A1 is ordered to be refunded to him.

10.Post the matter for reporting compliance, on **02/02/2026**.

(G.K.I., J.) (R.P., J.)
15-12-2025

Index:Yes/No
Internet:Yes/No
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**G.K.ILANTHIRAIYAN,J
and**

R.POORNIMA,J

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To,

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

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15/12/2025