



Crl.O.P.(MD)No.15214 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15214 of 2025

1. Rajkannan

2.Latha

3.Selvi

4.Muthuraman

5.Valarmathi

6.Rajapandi

7.Meena

... Petitioners/Accused Nos.1 to 4

Vs.

1.The State of Tamilnadu,
Rep. by The Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi.
(Crime No.5 of 2024)

2.P.Deivam
The Social Welfare Extension Officer,
Alwarthirunagari,
Thiruchendur,
Thoothukudi District.



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3.XXXX

XXXX

Thoothukudi District.

...Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for records and quash the entire proceedings in Spl.S.C.No.104 of 2024 pending on the file of the Special Court for Exclusive Trial Cases under POCSO Act, Thoothukudi sofar the petitioners concerned.

For Petitioners : Mr.S.Udhayakumar
For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R-3 : M/s.R.Muthulakshmi

ORDER

This petition has been filed to quash the impugned Charge Sheet in Spl.S.C.No.104 of 2024 pending on the file of the Special Court for Exclusive Trial Cases under POCSO Act, Thoothukudi, for the offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Sections 5(l), 6 and 5(j)(ii) of POCSO Act, 2012.



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2. The allegation in the charge sheet is that the first petitioner had a love affair with the victim; that he had married the third respondent/victim with the help of other accused, when she was minor; that he had sexual intercourse with her and thus committed the aforesaid offences. The prosecution was initiated on the complaint given by the Social Welfare Officer, Alwarthirunagari, Thiruchendur, Thoothukudi District.

3. When the matter was taken up for hearing on 24.09.2025, the learned counsel for the petitioners and the learned counsel for the third respondent/victim submitted that the first petitioner had a love affair with the victim, whose Date of Birth is 27.02.2007; that now she attained majority; and that the first petitioner and the victim girl got married and that the parties have filed a joint compromise memo dated 19.09.2025 before this Court.

4. The petitioners and the victim girl were present before this Court in person and were identified by M/s.P.Ramalakshmi, Sub Inspector of Police, All Women Police Station, Tiruchendur, Thoothukudi District. The victim girl confirmed her marriage with the first petitioner. However, the marriage has not been registered so far. Hence, this Court adjourned the matter for registration of the marriage and production of the marriage certificate.



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5. Today, the learned counsel for the petitioners has produced the marriage certificate, which was registered on 24.10.2025, before this Court.

6. The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would confirm that the first petitioner has married the victim girl and the marriage has been registered.

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 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 first petitioner had married the victim girl, who has now attained majority; 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 charge sheet in Spl.S.C.No.104 of 2024 pending on the file of the Special Court



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for Exclusive Trial Cases under POCSO Act, Thoothukudi, is quashed and the Criminal Original Petition is allowed. The joint compromise memo dated 19.09.2025 shall form part of this order.

30.10.2025

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

To

- 1.The Special Court for Exclusive Trial Cases under POCSO Act, Thoothukudi.
- 2.The Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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