



Crl.O.P.(MD)No.15884 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15884 of 2025

and

Crl.M.P.(MD).Nos.12968 & 12970 of 2025

1.Maria Thomas

2.Loordhu Antony

3.Irudhayaraj

4.Mariareeta

... Petitioners/Accused 1 to 4

Vs.

1.State of Tamil Nadu Rep. by,
The Inspector of Police,
All Women Police Station,
Ambasamudram, Tirunelveli District.
(Crime No.34/2024)

... Respondent No.1/Complainant

2.Selvakani,
Govt. Official Non-Gazetted,
Rural Welfare Department,
Ambasamudram Panchayat Union,
Tirunelveli District.

... Respondent No.2/Defacto Complainant

3.XXXXXXXX

... Respondent No.3/Victim

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the charge sheet in Special C.C.No.22 of 2025 on the file of the Special Court for POCSO ACT cases, Tirunelveli and quash the same insofar as the petitioners are concerned.



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For Petitioners : Mr.S.Surya
For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R-3 : Mr.A.Abdul Hameed

ORDER

This Criminal Original Petition has been filed to quash the impugned final report filed in Special C.C.No.22 of 2025 on the file of the Special Court for POCSO ACT cases, Tirunelveli for the offences under Section 5(l), 5(j)(ii), 6 of the POCSO Act, 2012 and Section 9 and 10 of Prohibition of Child Marriage Act, 2006.

2. The allegation against the petitioners is that the first petitioner seduced the victim and had sexual intercourse with her, when she was aged about 17 years, as a result of which, the victim became pregnant. The petitioners 2 to 4, after knowing the fact that the victim became pregnant, concealed the said fact and thus, committed the aforesaid offences. The prosecution was initiated on the complaint given by the Rural Welfare Officer, Ambasamudram.

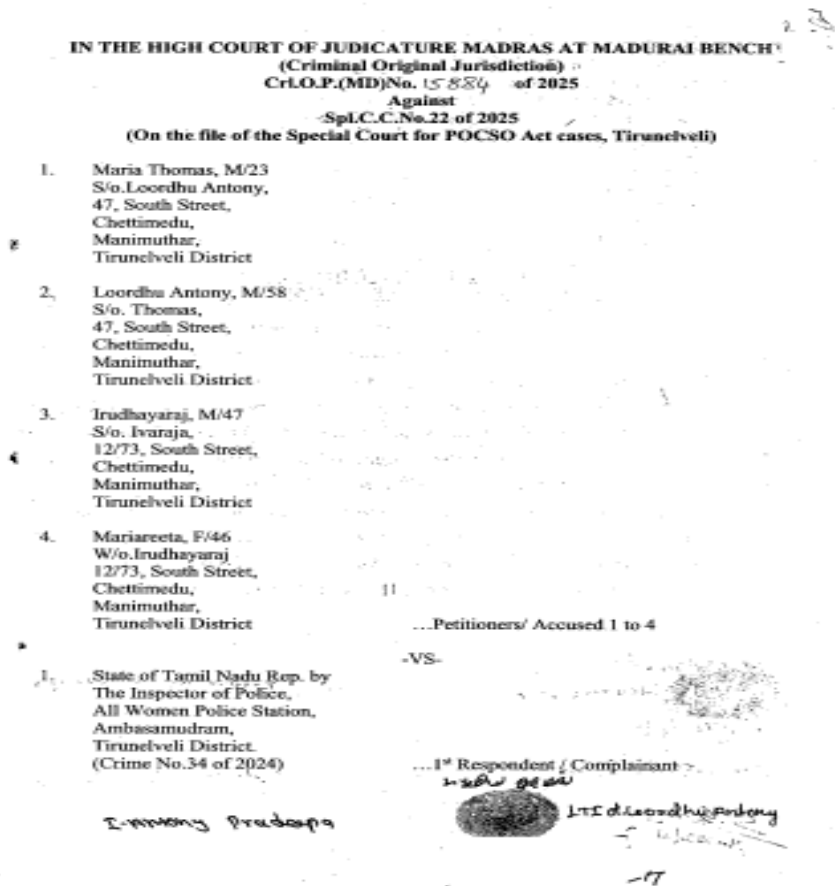
3. The learned counsel for the petitioners and the learned counsel for the third respondent/victim would submit that the petitioner had a love affair with the victim, whose Date of Birth is 22.06.2007; that now she attained majority; and that the first petitioner and the victim got married and consequently



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registered the marriage on 09.10.2025 under the Tamil Nadu Registration of Marriage Act, 2009. The marriage certificate has been produced before this Court.

4. The victim girl is present before this Court in person and identified by M/s.M.Arul Selvi, Woman Head Constable, All Women Police Station, Ambasamudram, Tirunelveli District. The victim girl confirms her marriage with the first petitioner and states that a child is also born out of the wedlock. The parties have filed a joint compromise memo, dated 11.09.2025 and the scanned copy of the compromise memo reads as follows:





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Selvamani,
Govt. Official Non-Gazetted,
Rural Welfare Department,
Ambasamudram Panchayat Union,
Tirunelveli District.

...2nd Respondent/ Defacto
Complainant

3. Anthony Prathiba, F/18
W/o. Maria Thomas,
47, South Street,
Chettimedu,
Manimuthar,
Tirunelveli District

...3rd Respondent / Victim

JOINT MEMO FILED BY THE PETITIONER/ACCUSED AND 3rd
RESPONDENT/VICTIM

1. The petitioners submits that now the 3rd respondent/victim girl become major and leading her life peacefully with the 1st petitioner. Out of the wed log she delivered male baby. Apart from that the 3rd respondent did not want to proceed with the case. Since on the date of checkup during her pregnancy at Primary healthcare Center, the nurse wherein given intimation to Rural Welfare Officer, Ambasamudram Panchayat because at the time she is minor. Further on the Rural Welfare Officer lodged such a complaint against the petitioners. Further there is no serious motive behind the occurrence, if the trial ends in conviction the 3rd respondent as well as her child life become question mark. Since the matter has been compromised, the 3rd respondent has no objection to quash the charge sheet in Spl.C.C.No.22/2025 on the file of Special Court for POCSO Act cases, Tirunelveli.

Dated at Madurai this is the 11th day of September 2025.

Petitioners/Accused

L. T. O'Leary
L. T. O'Leary and Anthony

3. *Erwin*
4. *Lothar*
Counsel for petitioner

Counsel for petitioner

S.S.
MAY 21 2021

3rd Respondent/Victim

E. Antony Pradeepa

A. M. Lang 5/29/2021
Counsel for 3rd respondent



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5. 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.

6. Considering the fact that the first petitioner had married the victim girl, who has now attained majority and 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.C.C.No.22 of 2025 on the file of the Special Court for POCSO Act cases, Tirunelveli is quashed.

7. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

13.10.2025

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



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To

1. The Special Court for POCSO ACT cases,
Tirunelveli.
2. The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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