



Crl.O.P.(MD)No.16166 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.16166 of 2025

K.Selvin

... Petitioner/1st Accused

Vs.

1.The State Represented by
The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.
(In Crime No.25 of 2021).

...1st Respondent / Complainant

2.Serin Malar

... 2nd Respondent/ Defacto
Complainant

3.xxxxxxxx

... 3rd Respondent/Victim-PW2

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in Spl.S.C.No.25 of 2022 pending on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Nagercoil, Kanyakumari District and quash the same.

For Petitioner : Mr.L.George Paul Anto

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

For R3 : Mr.U.Muneeskumar



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ORDER

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The petitioner seeks to quash the impugned charge sheet in Spl.S.C.No. 25 of 2022 pending on the file of the learned Special Court for Exclusive Trial of POCSO Act Cases, Nagercoil, Kanyakumari District, which was filed for the offences under Sections 366, 506(ii), 323 of IPC and Sections 5(l), 5(n), 6(1), 17, 11(4), 12 of POCSO Act and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006.

2. The allegation against the petitioners is that the first petitioner with help of the second petitioner kidnapped the victim girl, married her and had sexual intercourse with her, when she was aged about 15 years and thus, committed the aforesaid offences. The prosecution was initiated on the complaint given by the Social Welfare Officer, Nagercoil.

3. The learned counsel for the petitioner 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 25.01.2006; that now she attained majority; and that the petitioner and the victim got married and consequently registered the marriage on 15.02.2025. The marriage certificate has been produced before this Court.



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4. The victim girl is present before this Court in person and identified by M/s.M.V.Sankaraladha, Women Special Sub Inspector, All Women Police Station, Nagercoil. The victim girl confirms her marriage with the petitioner and states that a child is also born out of the wedlock. The parties have filed a joint compromise memo, dated 24.09.2025 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)

Crl.O.P.(MD)No. 16166 of 2025

Against

Spl. S.C.No. 25 of 2022

(On the file of the Special Court for the Exclusive Trial of POCSO
Act Cases, Nagercoil, Kanyakumari District)

K.Selvin, M/34 years
S/o. Kalap,
20/69A, Kalvetran Kuzhi Street,
Mela Colony, VTC: Thazhakudy,
Thovalai Taluk, Kanyakumari District. ..Petitioner/1st Accused

Vs.

1. The State Rep. by.
The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District
(In Crime No.25/2021) ..1st Respondent/Complainant

2. Serin Malar,
W/o. Arul Thinesh,
One Stop Centre,
District Social Welfare Office,
Nagercoil, Kanyakumari District. ..2nd Respondent/Defacto
Complainant

3. xxxxxxxxxxxx
D/o. xxxxxxxxxxxx
xxxxxxxxxxxx
Kanyakumari District. .. 3rd respondent/Victim- PW2

JOINT COMPROMISE MEMO FILED BY THE PETITIONER AND
THE 3RD RESPONDENT

1. It is submitted that the 2nd respondent i.e. defacto
complainant gave a complaint before the 1st respondent police
against the petitioner and another, and on receipt of the same, the

K. Nanthini



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1st respondent registered a case against the petitioner and another in Crime No. 25 of 2021 for the offences punishable U/s. 366 of IPC and 5(l), 6 of the Protection of Children from Sexual Offences Act, 2012 on 05.06.2021. After completion of investigation, the 1st respondent filed a charge sheet against the petitioner and another in Spl.S.C.No.25 of 2022 pending on the file of the Learned Special Court for the Exclusive Trial of POCSO Act Cases, Nagercoil, Kanyakumari District and the same is pending.

2. It is submitted that the petitioner married the 3rd respondent herein on 24.04.2024 and the same was registered and marriage registration certificate was issued by Deputy Inspector General of Registration, Tirunelveli on 15.02.2025. The petitioner and the 3rd respondent are living happily and they are blessed with a female child. Now the petitioner came to an amicable settlement with the 3rd respondent herein and they are living together. Hence the case may be quashed and there is no need to proceed the case against the petitioner and another.

It is therefore prayed that this Hon'ble Court may be pleased to record the compromise memo and pass suitable order as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Madurai this the ^{5th} day of July 2025

K. Nanthini

3rd RESPONDENT

PETITIONER

COUNSEL FOR 3rd RESPONDENT

COUNSEL FOR PETITIONER



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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 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 Final Report in Spl.S.C.No.25 of 2022 on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Nagercoil, Kanyakumari District.

7. In the result, this Criminal Original Petition is allowed.

24.09.2025

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

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To

1. The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu

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