



Crl.O.P.(MD) No.17535 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.17535 of 2025

and

Crl.M.P.(MD) No.14279 of 2025

Mosa Pithelis Vibin

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
The Inspector of Police,
All Women Police Station,
Thoothukudi District, Tamil Nadu.

2.xxxxxx

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to Spl.C.C.No.101 of 2025 on the file of the learned District and Sessions Judge, Special Court for Exclusive Trial of POCSO Act cases, Tuticorin and quash the same as illegal as far as the petitioner is concerned.

For Petitioner : Mr.S.Vishnu Kanth

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R2 : Mr.G.Marichamy



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ORDER

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This Criminal Original Petition has been filed seeking to quash the final report in Spl.C.C.No.101 of 2025 on the file of the learned District and Sessions Judge, Special Court for Exclusive Trial of POCSO Act cases, Tuticorin, filed against the petitioner for offences punishable under Sections 5(l), 5(j)(ii) & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The allegation in the final report is that the petitioner had a love affair with the victim girl; that, knowing the victim girl to be a minor, the petitioner sexually assaulted her on several occasions, resulting in her becoming pregnant, and thereby committed the aforesaid offences.

3. The learned counsel for the petitioner and the learned counsel for the second respondent/defacto complainant-cum-victim girl would submit that the petitioner had a love affair with the victim girl, whose date of birth is 12.01.2007; that she has now attained majority; and that the petitioner and the victim girl got married on 03.03.2025, and subsequently registered their marriage on 03.06.2025. The marriage certificate has been produced before this Court.



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4. The petitioner, namely, Mosa Pithelis Vibin and the second respondent/defacto complainant-cum-victim girl are present before this Court in person. The second respondent/defacto complainant-cum-victim girl confirms that the petitioner has married her. They are identified by M/s.M.Jeya Seeliannathai, Special Sub-Inspector of Police, All Women Police Station, Thoothukudi. The parties have also filed a joint compromise memo dated 15.10.2025. A scanned copy of the compromise memo reads as follows:

MEMORANDUM OF CRIMINAL ORIGINAL PETITION
(Under Section 528 of BNSS Act.,)

**IN THE HIGH COURT OF JUDICATURE MADRAS AT
MADURAI BENCH
(Criminal Jurisdiction)
Crl.O.P.(MD) No. 17535 of 2024**

In
Spl.S.C.No.101 of 2023
(On the file of the Learned District and Sessions Court
(Special Court of POCSO Act,) Tuticorin.

Mosa Pithelis Vibin (M/ss/2025),
S/o.Britto,
No.261/23, Tommalayar Kovil Street,
Therasaparam,
Thoothukudi.
(In Ow At) Aytal Santhu, Thoothukudi,
Tamil Nadu - 628 001. ...Petitioner/ Sole Accused

Vs-

1. State of Tamilnadu
Rep. by,
The Inspector of Police,
All Women Police station,
Thoothukudi District,
Tamilnadu.
(Crime No.3 of 2025) ... Respondent/ Complainant

2. XXX,
YYY, ... 2nd Respondent
/Defacto Complainant

B. V. S.
Petitioner

V. S. S.
2nd respondent/ Victim

G. S. S.
Counsel for petitioner

G. S. S.
Counsel for
2nd respondent/ Victim



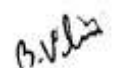
Crl.O.P.(MD) No.17535 of 2025

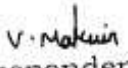
MEMO OF COMPROMISE

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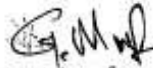
1. It is submitted that the present Criminal Original petition before this Hon'ble Court calling for the entire records in relating to the Spl.S.C.No.101 of 2023 in Crime No.3 of 2025 on the file of the Learned District and Sessions Court (Special Court of POCSO Act.), Tuticorin quash the same. The 1st respondent police registered the FIR in Crime No.3 of 2025 against the petitioner for the alleged offence U/s. 5(1), 5(j) (ii) and 6 of POCSO Act 2012 case based on the complaint given by the 2nd respondent.

2. It is submitted that the petitioner had love affairs with 3rd respondent. On at time of the occurrence, the 2nd respondent aged about 17 years. Subsequently, now she completed 18 years of age, and given birth to a female child namely Cassandra on 19.06.2025. On 21.01.2025, the petitioner married the 2nd respondent/victim vide Document No. SI No.TMR/KEEZHUR/156/2025 which was registered at SRO, Keezhur, Thoothukudi District., and living as husband and wife and leading a happy matrimonial life till now without any controversy.


Petitioner


2nd respondent/Victim


Counsel for petitioner
respondent/Victim


Counsel for 2nd



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The 2nd respondent/victim admitted that the fact in her statement, the petitioner married her only on her persuasion. Therefore, both are decided to settle this dispute without any legal issues tend to arise in future and entered into compromise over the complaint of the 2nd respondent. Therefore, the 2rd respondent/victim did not want to proceed further the above Criminal case pending before the Hon'ble Special Court, Tiurnelveli against the Petitioner. The 3rd respondent hereby accepts for quashing the Spl.SC.No.101 of 2025 in Crime No.3 of 2025 on the file of the Learned District and Sessions Court (Special Court of POCSO Act.), Tuticorin.

3. To that effect, the petitioner and the 2nd respondent/victim are here by filing this joint compromise memo.

Therefore it is prayed that this Hon'ble Court may be pleased to accept the joint compromise memo and thus render justice.

M. V. Venk
Petitioner

V. N. N. N. N.
2nd respondent/Victim

[Signature] *[Signature]*
Counsel for petitioner Counsel for 2nd respondent/Victim

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,



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held that in a case of this nature, where the victim, after attaining majority, has married the accused and their marriage has also been registered, no useful purpose would be served in continuing the prosecution, and that it would cause undue hardship to all the parties concerned.

6. Considering the fact that the petitioner has married the victim girl, who has now attained majority, and that the marriage has been registered, and in view of the aforesaid observations 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 in continuing the prosecution. Accordingly, the impugned final report in Spl.C.C.No.101 of 2025 on the file of the learned District and Sessions Judge, Special Court for Exclusive Trial of POCSO Act cases, Tuticorin, is quashed.

7. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

15.10.2025

JEN
Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order



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Copy To:

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- 1.The District and Sessions Judge,
Special Court for Exclusive Trial of POCSO Act cases,
Tuticorin.
- 2.The Inspector of Police,
All Women Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

JEN

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15.10.2025