



CRL OP(MD). No.16919 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P(MD). No.16919 of 2025

Mani

... Petitioner

Vs.

1. The State of Tamil Nadu,,
Rep. by its the Inspector of Police,
All Women Police Station,
Nilakottai, Dindigul District..

2. Muthulakshmi

... Respondents

PRAYER :- This Petition is filed under Section 528 BNSS, to call for the records pertaining to the case in Spl. S.C. No.105/2024 pending on the file of the learned Sessions Judge (Fast Track Mahila Court) at Dindigul District and quash the same.

For Petitioner : Mr.M.Suresh,

For Respondents : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side) for R1
: Mr.D.Karthikraja for R2



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ORDER

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This petition is to quash the impugned final report in Spl. S.C. No. 105/2024 pending on the file of the learned Sessions Judge (Fast Track Mahila Court) at Dindigul District for the offences under Section 9 of the Prohibition of Child Marriage Act, 2006, Sections 5(l), 5(j) (ii), 6 of the POCSO Act, 2012 and Section 366 IPC.

2. The gist of the allegation in the final report is that the petitioner had a love affair with the victim girl and when the victim girl was a minor, he had sexual intercourse with victim girl and thus committed the aforesaid offences.

3. When the matter was heard by this Court on 13.10.2025, this Court recorded the compromise, since it was reported that the victim girl after attaining majority had married the petitioner. Since the petitioner had not registered the marriage with the victim girl, the Court adjourned the case to 18.11.2025 to enable the parties to have the marriage registered and produce the marriage certificate. This Court had granted interim stay of all further proceedings before the trial Court.



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4. Though this Court had adjourned the case to 18.11.2025, the learned counsel for the petitioner made a mention for urgent hearing, since the trial Court convicted the petitioner and sentenced him to undergo rigorous imprisonment for 20 years, inspite of the order of interim stay granted by this Court. Hence, the matter was heard on 28.10.2025. On that date, the learned counsel for the petitioner submitted that he had filed a memo along with the copy of the order passed by this Court granting interim stay of the proceedings on 27.10.2025 and the learned Judge after receiving the memo had passed the judgment convicting the petitioner for the offence under Section 9 of the Prohibition of Child Marriage Act, 2006, Sections 5(l), 5(j) (ii), 6 of the POCSO Act, 2012 and sentenced him to undergo rigorous imprisonment for 20 years. He further submitted that since the petitioner did not appear on the day of judgment, a warrant was issued.

5. Hence, this Court had called for a report from the learned Judge as to why the judgment was pronounced, inspite of the order of interim stay granted by this Court and adjourned the matter to 11.11.2025.



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6. The learned Judge had filed a report dated 07.11.2025 stating that he was not aware of the interim stay granted by this Court at the time of delivering the judgment and only after the judgment was delivered, the counsel had filed the memo along with the order copy and the same was included in the case records.

7. The learned Judge would also inform that the pendency of Criminal Original Petition before this Court was neither informed by the learned counsel for the accused nor the learned Special Public Prosecutor and since the judgment was already pronounced, the judgment could not be recalled. He would further state that after coming to know of the order passed by this Court, he had directed the concerned police not to execute the Non-Bailable Warrant issued by the trial Court on 27.10.2025.

8. There are two versions, one by the learned counsel for the petitioner and the other by the learned Judge, which are contrary to each other. The learned Judge claims that he was not aware of the pendency of the Criminal Original Petition or the interim order passed by this Court.



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This Court has to necessarily accept the version of the learned Judge and hence, this Court refrains from taking further action against the learned Judge.

9. However, this Court is unable to comprehend the haste in which the judgment was delivered on 27.10.2025, in the absence of the accused. The learned Judge obviously would have known that the petitioner is being prosecuted for the alleged offences pursuant to a love affair with the victim girl. The learned Judge atleast ought to have ensured the presence of the accused before delivering the judgment. That apart, the learned Judge has not passed any order recalling the warrant against the petitioner and has only stated that there was an oral direction to the police not to execute the warrant. The learned Judge atleast ought to have recalled the warrant on coming to know of the interim orders passed by this Court, which is not done in this case.

10. The learned Judge must bear in mind that in matters of this kind, there cannot be a mechanical approach and there must be a passion to do justice, bearing in mind the attendant circumstances. This Court is



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therefore constrained to express its displeasure in the manner in which the learned Judge has dealt with this case. This Court hopes and wishes that the learned Judge bears in mind the aforesaid aspects before disposing of any case, atleast in future.

11. Since, admittedly the judgment of conviction and sentence, has been passed when the order of this Court granting interim stay was in force, the judgment is non-est in law and consequently would have no consequences. However, in order to ensure that there is no doubt, this Court, in exercise of its powers under Section 482 of the Cr.P.C., sets aside the judgment of conviction and sentence dated 27.10.2025 passed by the learned Sessions Judge (Fast Track Mahila Court) at Dindigul District, in Spl. S.C. No.105 of 2024.

12. Today, when the matter was called, the learned counsel for the petitioner produced the copy of the Certificate of Marriage between the victim girl and the petitioner. The allegation as stated above is that the petitioner and the victim girl had a love affair (It is also seen that a child is also born out of the wedlock).



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13. 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 cases 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.

14. Considering the fact that the petitioner had married the victim girl, who has now attained majority; marriage has been registered; the compromise entered into between the parties; 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 proceedings in Spl.C.C.No.105 of 2024 on the file of the Special Court for Sessions Judge (Fast Track Mahila Court) at Dindigul District, is quashed. The joint compromise memo filed on 24.09.2025 shall form part and parcel of the order.



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

11.11.2025

LS/ars

To

1. The Sessions Judge (Fast Track Mahila Court)
Dindigul District

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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SUNDER MOHAN,J

LS/ars

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