



Crl.O.P.(MD) No.17438 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.17438 of 2025

Baskar

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Tirunelveli All Women Police Station,
Tirunelveli District.
(Crime No.53 of 2024)

2.Chinnathai

3.xxxxxxxxxx

... 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.91 of 2025 on the file of the learned Sessions Judge, Mahila Court, Tirunelveli in connection with Crime No.53 of 2024 on the file of the first respondent police and quash the same.

For Petitioner : Mr.S.Veerapandiselvaraj

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



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For R2

: Mr.B.Deepak

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in Spl.C.C.No.91 of 2025 on the file of the learned Sessions Judge, Mahila Court, Tirunelveli, filed against the petitioner for offences punishable under Section 9 of the Prohibition of Child Marriage Act, 2006 and 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 and married her in a temple when she was a minor, without informing her elders; that thereafter, the second respondent/defacto complainant, the mother of the victim girl, came to know of the marriage; and that subsequently, the petitioner sexually assaulted her on several occasions, resulting in her becoming pregnant, and thus committed the aforesaid offences.



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3. The learned counsel for the petitioner and the learned counsel for the second respondent/defacto complainant would submit that the petitioner had a love affair with the victim girl, whose date of birth is 20.04.2007; that she has now attained majority; and that the petitioner and the victim girl got legally married on 28.08.2025, and subsequently registered their marriage on 25.09.2025. The marriage certificate has been produced before this Court.

4. The petitioner, namely, Baskar [Aadhaar No.6990 6169 8626], and the second respondent/defacto complainant [Aadhaar No.3366 9300 9026] and the third respondent/victim girl are present before this Court in person. The second respondent/defacto complainant, i.e., the mother of the victim girl and the third respondent/victim girl confirm that the petitioner and the victim girl got legally married. They are identified by M/s.G.Sakunshala, Women Head Constable, Rural All Women Police Station, Tirunelveli. The parties have also filed a joint compromise memo dated 12.09.2025. A scanned copy of the compromise memo reads as follows:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

MADURAI BENCH

(Criminal jurisdiction)

Crl.O.P. (MD) No 17438 of 2025

Against

Spl.CC.No. 91 of 2025

(On the file of Learned Sessions Judge, Mahila Court, Tirunelveli)

Baskar, M/27

S/o.Sankaranainar,

No.6/65, Nadar Street,

Malaiyankulam,

Tenkasi District.

..Petitioner/ Sole Accused

-Vs-

1 The State of Tamil Nadu rep by

The Inspector of Police,

Tirunelveli All Women Police Station,

Tirunelveli District.

... 1st Respondent / Complainant

(Crime No.53 of 2024)

2 Chinnathai,

W/o.Yemaraja,

No.1274, B, 4th Street,

Amman Kovil East Street,

North Vagaikulam,

Tirunelveli District.

....2nd Respondent / De facto Complainant

3 XXXX, F/18

W/o. Baskar,

No.6/65, Nadar Street,

Malaiyankulam,

Tenkasi District.

....3rd Respondent/Victim

1. *S. Baskar*
Petitioner/ Sole Accused

B. Banumathi
De-facto complainant

B. Banumathi
Victim



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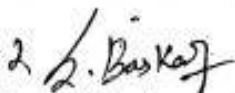
Crl.O.P.(MD) No.17438 of 2025

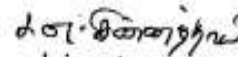
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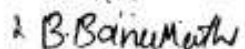
JOINT COMPROMISE MEMO FILED BY BOTH THE PARTIES

1 It is respectfully submitted that on the basis of the complaint given by the 2nd respondent / de facto complainant a case in Crime No 53 of 2024 has been registered as against the petitioners for offence under Sections 9 of Prohibition of Child Marriage Act, 2006 and 5(l), 5(j)(ii), 6 of Protection of Child from Sexual offences Act, 2012 by the First Respondent Police and subsequently charge sheet laid before the Learned Sessions Judge, Special Court for exclusive trial of cases under the POCSO Act, Tirunelveli and the same was taken cognizance in Spl.CC No.47 of 2025 for the charge under Sections 9 of Prohibition of Child Marriage Act, 2006 and 5(l), 5(j)(ii), 6 of Protection of Child from Sexual offences Act, 2012.

2 It is respectfully submitted since the interest on the future of the petitioner and the de-facto Complainant/2nd Respondent has to be secured, and also by the initiative of the family elders of both the de facto complainant as well as the petitioner, it was decided to withdraw the complaint and hence the said dispute has been amicably settled between both the parties and the decided to withdraw the complaint. Now the petitioner and victim girl are living together happily. Hence there is no necessity to continue the criminal proceedings against the Petitioners and continuation of the same, would be abuse of process of law.


Petitioner/ Sole Accused


De-facto complainant


Victim



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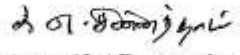
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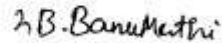
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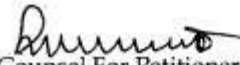
Hence, we prayed that this Hon'ble Court may be pleased to accept the compromise memo and quash the proceedings in Spl.CC No.91 of 2025 on the file of Learned Sessions Judge, Mahila Court, Tirunelveli connection with Crime No.53 of 2024 on the file of the 1st respondent police based on the affidavit filed by the 2nd respondent/defacto complainant and pass such further or other orders as this Hon'ble Court may deem fit and proper to the circumstances of the case and thus render justice.

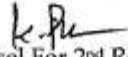
Dated at Madurai on this 12th day of September, 2025


Petitioner/ Sole Accused


De-facto complainant/2nd Respondent


Victim/ 3rd Respondent


Counsel For Petitioner


Counsel For 2nd Respondent

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, 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.



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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.91 of 2025 on the file of the learned Sessions Judge, Mahila Court, Tirunelveli, is quashed.

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

15.10.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Copy To:

- 1.The Sessions Judge,
Mahila Court, Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli All Women Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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