



CRL OP(MD). No.19405 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 28.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.19405 of 2025

1. Esakkiyappan,

2. Esakkiammal,

3. Pandaram,

4. Petchiyammal,

... Petitioners

Vs.

1. State of Tamilnadu Rep by
Inspector of Police,
AWPS-Palayamkottai,
Tirunelveli City,
Crime No.52/2024.

2. Xxxxxx,

Xxxx

... Respondents

PRAYER :- This petition under section 528 BNSS, to call for the records relating to the charge sheet in Spl.CC.No.128/2025 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Tirunelveli and quash the same.

For Petitioners : Mr.C. Susikumar,

For Respondents : Mr.K.Sanjai Gandhi

Government Advocate (Crl.Side) for R1

: Mr.R.Maheswaran for R2



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ORDER

This petition has been filed seeking quash of the case in Spl.C.C.No.128 of 2025 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Tirunelveli, for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and Sections 5(1), 5(j)(ii) and 6 of POCSO Act, 2012.

2. The allegation in the Final Report is that the second petitioner is mother and third and fourth petitioners are in-laws of the second respondent/victim; that the first petitioner and the victim complainant had a love affair; that the first petitioner had physical relationship on the promise of marriage with the victim, when she was minor and thus, committed the offence.

3. The learned counsel for the petitioners and the learned counsel for the second respondent/victim would submit that the first petitioner had a love affair with the victim, whose Date of Birth is 26.08.2005; and that the first petitioner and the victim got married and consequently



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registered the marriage on 18.11.2025 under the Tamil Nadu Registration of Marriage Act, 2009. The marriage certificate has been produced before this Court.

4. The petitioners and the victim girl are present before this Court in person and identified by Ms.A.Annalakshmi, All Women Police Station, Palayamkottai, Tirunelveli City. The victim girl confirms her marriage with the first petitioner and states that a child was born out of the wedlock. The parties have filed a joint compromise memo dated 19.09.2025.

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 first petitioner 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.



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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 is quashed. The joint compromise memo dated 19.09.2025 shall form part and parcel of the order.

7. In the result, this Criminal Original Petition is allowed. The petitioner shall pay a sum of Rs.10,000/- as costs to the Mediation and Conciliation Centre attached to this Bench and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

28.11.2025

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

1. The Special Court for Exclusive Trial of cases under POCSO Act,
Tirunelveli
2. The Inspector of Police,
AWPS-Palayamkottai,
Tirunelveli City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Officer in-charge,
Mediation and Conciliation Centre
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J.

LS

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