



CRL OP(MD). No.20308 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.20308 of 2025

1. Karni Yathaiya,
2. Aneesh Raj,

... Petitioners

Vs.

1. The State of Tamilnadu, Rep.,
By, the Inspector of Police,
All Women Police Station,
Kanniyakumari,
Kanniyakuamri District.
Crime No.23 of 2020.

2. Nelson Theevadhass,
Superintendent,
Reception Unit,
TSSS Saranalayam,
Therku Balapakkiya Nagar,
Tirunelveli District.

3. B.Swathi,

... Respondents

PRAYER :- This Petition is filed under section 528 BNSS, to call for the records pertaining to the charge sheet in Special S.C. No.56 of 2022 on the file of Special Court for POCSO Act cases, Nagercoil and quash the same.



CRL OP(MD). No.20308 of 2025

For Petitioners : Mr.C.K.M. Appaji,

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

: Mr.M.K.Suresh for R3

ORDER

The petitioners seek to quash the impugned final report filed for the offences under Sections 5(l), 5(j)(ii), 5(m), 6(1) of the POCSO Act, 2012 and Section 506(i) I.P.C.

2. The allegation in the final report is that the first petitioner seduced the victim and had sexual intercourse with her, when she was aged about 16 years, as a result of which, the victim became pregnant and thus, the petitioners committed the aforesaid offences. The prosecution was initiated on the complaint given by the second respondent.

3. The learned counsel for the petitioners and the learned counsel for the third respondent/victim would submit that the first petitioner had a love affair with the victim, whose Date of Birth is 01.10.2003; that now



CRL OP(MD), No.20308 of 2025

she attained majority; and that the first petitioner and the victim got married and consequently registered the marriage on 07.07.2025 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. They are identified by Ms.K.Essakithai, Sub Inspector of Police, All Women Police Station, Kanyakumari District. The victim girl confirms her marriage with the first petitioner. The parties have filed a joint compromise memo dated 22.08.2025.

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 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.



CRL OP(MD). No.20308 of 2025

WEB COPY

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 in Spl.S.C.No.56 of 2022 on the file of the Special Court for POCSO Act cases, Nagercoil, is quashed. The joint compromise memo dated 22.08.2025 shall form part of the order.

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

18.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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CRL OP(MD). No.20308 of 2025

WEB COPY

TO

1. The Special Court for POCSO Act cases,
Nagercoil

2.The Inspector of Police,
All Women Police Station,
Kanniyakumrai,
Kanniyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL OP(MD). No.20308 of 2025

SUNDER MOHAN,J

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CRL OP(MD) No.20308 of 2025

18.11.2025