



CRL OP(MD). No.21255 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 28.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.21255 of 2025

Ratheesh,

... Petitioner

Vs.

1. State of Tamilnadu Rep by
Inspector of Police,
AWPS-Kanyakumari,
Crime No.31/2021.

2. Xxxxx,

3. Xxxx,

... Respondents

PRAYER :- This petition under section 528 BNSS, to call for the records pertaining to the impugned charge sheet in Spl.SC.No.75/2021 on the file of the Principal District Court, Kanyakumari District at Nagercoil and to quash the same as illegal.

For Petitioner : Mr.S.Vikram,

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

: Mr.Akhilesh Sudhakar for R2 & R3



CRL OP(MD). No.21255 of 2025

WEB COPY

ORDER

The petitioner seeks to quash the impugned F.I.R registered for the offences under Section 366 I.P.C (Corresponding to Section 87 BNS) and Sections 5(l), 6, 11(4) and 12 of the POCSO Act, 2012.

2. The allegation in the final report is that the petitioner married the victim and had sexual intercourse with her, when she was aged about 17 years, and thus, the petitioner committed the aforesaid offences.

3. The learned counsel for the petitioner and the learned counsel for the respondents 2 and 3 would submit that the petitioner had a love affair with the victim, whose Date of Birth is 21.10.2003; that now she attained majority; and that the petitioner and the victim got married and consequently registered the marriage on 24.01.2025 under the Tamil Nadu Registration of Marriage Act, 2009. The marriage certificate has been produced before this Court.



CRL OP(MD), No.21255 of 2025

WEB COPY

4. The petitioner and the victim girl are present before this Court in person and identified by M/s.Baubynasuki, Special Sub Inspector of Police, All Women Police Station, Nagercoil, Kanyakumari District. The victim girl confirms her marriage with the petitioner and states that a child was born out of the wedlock. The parties have filed a joint compromise memo dated 25.11.2025.

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.

6. Considering the fact that the 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



CRL OP(MD). No.21255 of 2025

useful purpose would be served by continuing the prosecution.

Accordingly, the impugned final report is quashed. The joint compromise memo dated 25.11.2025 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
LS

TO

1. The Principal District Judge,
Kanyakumari District at Nagercoil.

2. The Inspector of Police,
AWPS-Kanyakumari.



CRL OP(MD). No.21255 of 2025

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.



WEB COPY



CRL OP(MD), No.21255 of 2025

SUNDER MOHAN,J

LS

CRL OP(MD) No.21255 of 2025

28.11.2025