



CRL OP(MD). No.21563 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.21563 of 2025

and

CrI.M.P.(MD)No.18536 of 2025

1. Thaibu @ Thaiyabu,
2. Thivanmydeen @ Tiwan Mydeen,
3. Shaji,
4. Albina Maheen, ... Petitioners

Vs.

1. State of Tamilnadu Rep by
Inspector of Police,
AWPS-Kanyakumari,
Kanniyakumari District.
Crime No.29 of 2021.

2. Thaslima, ... Respondents

PRAYER :- This petition under section 528 BNSS, to call for the records pertaining to Impugned Charge Sheet in Spl.S..C.No.123 of 2022 pending on the file of the learned Fast Track Mahila Court, Nagercoil and quash the same.



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For Petitioners : A.Mohamedhaneef,

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

: Ms.S.Meena for R2

ORDER

The petitioners seek to quash the impugned final report filed for the offences under Section 417 IPC and Sections 5(n), 6 of the POCSO Act, 2012 and Sections 9 and 10 of Prohibition of Child marriage Act, 2006.

2. The allegation in the final report is that the second petitioner, who is the defacto complainant's father, had forcibly got the defacto complainant married to the first petitioner herein and the petitioners 3 and 4 had actively assisted the other accused.

3. The learned counsel for the petitioners would submit that though the first petitioner is accused of the offence under Sections 5(n), 6 of the POCSO Act, 2012, the Section 164 Cr.P.C. statement of victim girl and



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the Doctor's certificate would show that the first petitioner did not have sexual intercourse with the victim girl; that the only allegation that remains is the first petitioner married the defacto complainant when she was a minor; that parties have since arrived at a compromise; that the defacto complaint, now she intends to marry another person, according to her wish and does not wish to pursue this case as the pendency of the case would affect her matrimonial life with another person.

4. The petitioners and the defacto complainant are present before this Court in person and identified by Ms.L.Mary Jeba, WHC-2967, All Women Police Station, Kanyakumari District. The defacto complainant did not wish to pursue the case. The parties have filed a joint compromise memo dated 19.11.2025.

5. As submitted by the learned counsel for the petitioners, there is no material to prove the commission of the offence under the POCSO Act, as the statement of the Doctor and that of the victim suggest that the victim did not have sexual intercourse with the first petitioner. Considering the above fact and since the petitioners and the defacto



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complainant arrived at compromise, 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 19.11.2025 shall form part and parcel of the order.

6. In the result, this Criminal Original Petition is allowed. The petitioners shall jointly 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. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LS/ars



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TO

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1. The Fast Track Mahila Court,
Nagercoil, Kanniyakumari District.
2. The Inspector of Police,
All Women Police Station,
Kanniyakumari,
Kanniyakumari District.
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/ars

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