



WEB COPY



Crl.O.P.(MD) No.21893 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.21893 of 2025

and

Crl.M.P.(MD) Nos.18799 & 18802 of 2025

Kalimuthu

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Koodakovil Police Station,
Madurai.
(Crime No.26 of 2023)

2.xxxxxx

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records relating to the impugned charge sheet in Spl.S.C.No.181 of 2023, pending trial on the file of the learned Sessions Judge, Special Court for the Exclusive Trial of POCSO Act cases, Madurai in connection with Crime No.26 of 2023 dated 04.02.2023 on the file of the first respondent and quash the same.

For Petitioner : Mr.N.Balasubramanian

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



WEB COPY



Crl.O.P.(MD) No.21893 of 2025

For R2

: Mr.Sanjai Sundaram

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in Spl.S.C.No.181 of 2023, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of POCSO Act Cases, Madurai, filed against the petitioner for the offences punishable under Sections 5(l) and 6 of the Protection of Children from Sexual Offences Act, 2012, Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006, and Section 109 of the Indian Penal Code, 1860, insofar as the petitioner is concerned.

2. The petitioner is an uncle of the victim girl and has been arrayed as A1. The second accused is the mother of the victim girl. The third accused is the grandfather of the victim girl, who is now no more. The first accused is none other than the husband of the second accused's sister.

3. The gist of the allegation in the final report is that the petitioner and the victim girl had a consensual affair when the victim girl was a minor; that the second accused, who is the mother of the victim girl, had



Crl.O.P.(MD) No.21893 of 2025

forced the victim girl to marry her own father (the grandfather of the victim girl) in order to secure the properties belonging to the grandfather and to ensure that there is a male heir in the family, as the brother of the second accused had died.

4. The learned counsel for the petitioner would submit that the petitioner is innocent; that the impugned prosecution was launched only at the instance of the second accused, who is the mother of the victim girl; that though the victim girl had given a statement under Section 161(3) of the Code of Criminal Procedure, 1973, she has now categorically stated that the said statement is false and has filed an affidavit affirming that the petitioner had not committed any of the acts alleged in the final report; that she does not wish to pursue the case as against the petitioner; that it was her mother who had compelled her to make false statements; and that, in fact, it was the deceased grandfather who had committed the penetrative sexual assault.

5. The victim girl is present in person before this Court. This Court enquired the victim girl in the presence of two Lady Personal Assistants to the learned Judges of this Court. The victim girl confirmed that the



Crl.O.P.(MD) No.21893 of 2025

averments made in the final report against the petitioner are false and stated that the petitioner has not committed any of the offences alleged in the final report. The victim girl further confirmed that it was her mother who had forced her to make the complaint against the petitioner. The parties have entered into a compromise and a Joint Compromise Memo dated 27th November, 2025 has been filed.

6. Under normal circumstances, this Court would not have entertained a quash petition of this nature. However, in the peculiar facts and circumstances of the case, where it is alleged that not only the petitioner but also the grandfather of the victim girl committed penetrative sexual assault, this Court wanted to ensure that no injustice is caused to any party.

7. Upon examination of the victim girl, this Court is satisfied that she does not wish to pursue the case against the petitioner. The victim girl asserts that her earlier version is not true and was given at the instance of her mother. This Court cannot, at this stage, decide as to which of the versions is true. However, the victim girl has made two totally contradictory statements, one before the learned Judicial Magistrate,



Crl.O.P.(MD) No.21893 of 2025

Thirumangalam and other before this Court.

WEB COPY

8. In the above circumstances, this Court is of the view that the chances of conviction of the petitioner are bleak and that the prosecution cannot be sustained on the basis of such evidence insofar as the petitioner is concerned. Therefore, this Court is inclined to accept the compromise. The compromise memo shall form part and parcel of this order. The impugned proceedings insofar as the petitioner alone is concerned is quashed.

9. The Trial Court shall proceed with the case against the second accused without being influenced by any of the observations made in this order.

10. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

28.11.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order



Crl.O.P.(MD) No.21893 of 2025

Copy To:

WEB COPY

- 1.The Sessions Judge,
Special Court for the Exclusive Trial of POCSO Act cases,
Madurai.
- 2.The Inspector of Police,
Koodakovil Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.21893 of 2025

SUNDER MOHAN, J.

JEN

Crl.O.P.(MD) No.21893 of 2025

28.11.2025