



CrI.O.P.No.5047 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.04.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.5047 of 2026

R.Naresh

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Madipakkam AWPS Police Station,
Greater Chennai Police.

2.V.Sindhu

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records and quash the charge
sheet in S.C.No.207 of 2024 on the file of the Mahila Court, Chengalpattu.

For Petitioner : Mr.A.Arun Kumar

For R1 : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



ORDER

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The petitioner/accused in S.C.No.207 of 2024 facing trial for the offence under Sections 417 and 376(1) IPC on the file of the Mahila Court, Chengalpattu filed this Criminal Original Petition.

2.Case of the prosecution is that the defacto complainant in this case lodged a complaint on 05.07.2023 stating that she was residing along with her parents in Panaiyur village. She completed her Diploma in Nursing and was working in Mount Multispeciality Hospital as Nurse. During 2018, the defacto complainant attended marriage of her aunt's daughter in Mylapore where she met the petitioner, cousin of the bridegroom and they became friendly. During November 2021, the defacto complainant joined Hariharan Diabetic and Heart Care at Nanganallur and she was staying along with her friends and colleagues at Ullagaram, Madipakkam, Chennai. The relationship between the petitioner and the defacto complainant continued. Whenever she was alone and her room-mates away, she called the petitioner and both spend time together and they became intimately close. Thereafter, the defacto complainant joined Adiparasakthi Hospital at Melmaruvathur for



training, at that time, she was travelling from her residence at Cheyyur to Melmaruvathur daily by bus. On some days, the defacto complainant had to attend night duty, at that time, the petitioner offered her to drop in his bike in the Hospital and on one such day, petitioner took her to a lodge near Sothupakkam and informed her that he is madly in love with her and promised he would marry her. Believing the promise, defacto complainant gave herself and they had physical relationship. Further whenever she was alone at the shared accommodation at Ullagaram, the petitioner used to visit regularly and have physical relationship. When the defacto complainant insisted for the marriage, the petitioner informed that he would convince his parents, family members and thereafter, marry her. On 30.01.2023, the petitioner tied Thali inside the room and had physical relationship and defacto complainant became pregnant. On 09.04.2023, the defacto complainant went to her uncle's house at Cheyyur where she saw an engagement invitation of the petitioner with another girl. When the defacto complainant questioned the petitioner, he informed that he was unable to convince his mother and family members. Hence, to stop the marriage defacto complainant lodged a complaint and a case registered, marriage stopped. Later in the Police Station, petitioner gave an undertaking to



marry the defacto complainant but in a deceitful manner without informing anyone petitioner married one Arthi on 07.05.2023 at Padavettamman Temple, Tiruttani. The defacto complainant foetus aborted and the DNA report confirmed the petitioner's paternity. On completion of investigation, charge sheet filed listing LW1 to LW17 and documents.

3.The contention of the learned counsel for the petitioner is that the petitioner and the defacto complainant, both hail from same village, came to know each other during a marriage function and they became friendly in the year 2018, they developed a love affair. The statement of the victim confirm it was she who called him to Ullagaram, when her room-mates were away and they had physical relationship, petitioner and defacto complainant got glued, both educated, major and victim consciously knowing the consequences had physical relationship with the petitioner without any resistance. Since the family members of the petitioner arranged a marriage with another girl, namely, Arthi, case registered. From the statement of witnesses, nowhere it could be seen that the petitioner made any false promise or caused any deception. The relationship was both physical and physiological at that age. The defacto complainant/victim a Nurse well



aware about the consequences of the act had conscious and continued relationship with the petitioner and later turned against the petitioner for not marrying her. In her statement, though she states petitioner forcibly took her to a lodge at Sothupakkam and tied Thali in the room but no details or materials could be given except for sweepy allegation. Nowhere the defacto complainant in her statement states she was forcibly subjected to physical relationship. He further submitted that now the victim has come forward to voluntarily withdraw the complaint against the petitioner and not to proceed against him. Further, she needs the case to be closed at the earliest, so that she can carry with her life as planned by her without any shade of litigation.

4.The learned Additional Public Prosecutor submitted that in this case, the defacto complainant is the victim, who lodged a complaint to the respondent police about the petitioner having physical relationship with the defacto complainant on a false promise of marriage. Both the petitioner and the defacto complainant hail from the same village with similar social and economic status. The defacto complainant was deceived and the petitioner continued his physical relationship on several occasions, finally the victim became pregnant. The victim and her parents went to the petitioner and his



family seeking for marriage but the petitioner and his family members not accepted the relationship and they arranged a marriage to the petitioner with one Arthi which was stopped but the petitioner and his family members took Arthi to Tiruttani and secretly performed the marriage. The victim became pregnant, foetus collected, DNA test conducted and the report confirms the paternity of the petitioner. On conclusion of investigation, charge sheet filed in this case listing 17 witnesses and materials.

5.The second respondent/defacto complainant appeared before this Court, confirmed past love relationship with the petitioner for five years. Before the complaint, during the love affair period, deceived by the false promise of marriage petitioner had physical relationship with the victim. The victim on the belief that she would get married to him, she became intimated with him. Later petitioner shown his true colour, had engagement and marriage with one Arthi. The defacto complainant became pregnant and voluntarily gave consent to abort the foetus. She further submitted that the victim now is more focussed on her professional career and she also intends to seek employment abroad. She further submitted that she had a conscious relationship and being a Nurse and was aware of the consequences. The



defacto complainant realising she also contributed to the relationship, finding there is no point in continuing the prosecution and her relationship was voluntary, she came forward to withdraw the case.

6.Considering the submissions made and on perusal of the materials, it is not in dispute that the petitioner and the defacto complainant both in love for five years and thereafter elevated to have physical relationship from 2021 to 2023, during this period, they were together intimately on several occasions. It is seen that the petitioner went to the defacto complainant's place of stay and had been with her, confirming that the victim had shown no resistance. Further the victim is a major and a Nurse by profession who is well aware of the consequences, due to her act and allowed the petitioner to have physical relationship with her. In view of the above, charge under Section 376 IPC is not made out. Now the only charge is under Section 417 IPC, deception and cheating on false promise of marriage which is a compoundable offence and the victim now come forward to file an affidavit to condone the act of the petitioner and not to further pursue the case. Both the petitioner and the defacto complainant filed a joint compromise memo and a scanned reproduction of the same is as follows:



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**JOINT MEMORANDUM OF COMPROMISE OF THE
PETITIONER AND THE 2ND RESPONDENT**

1. The Petitioner/Accused and the 2nd Respondent/De-facto Complainant respectfully submit that they have amicably and irrevocably settled all their disputes pertaining to Crime No.3 of 2023 dated 5th day of July 2023 registered by the 1st Respondent Police, which has culminated in the filing of the final report/Charge Sheet No.1 Of 2024 and committal as S.C. No.207 of 2024 pending before the Hon'ble Mahila Court, Chengalpattu. Both parties state that after considerable reflection, emotional recovery, and independent decision-making, they have mutually decided to bring an end to all criminal proceedings arising out of the said case.

2. The 2nd Respondent states that she has, of her own free will and without any influence, pressure, coercion or inducement from any quarter, decided that she does not wish to pursue the allegations made in the complaint dated 2023. She affirms that the complaint was lodged at a time of severe emotional distress and confusion, and not because the Petitioner had committed any act amounting to a criminal offence. She reiterates that all aspects of their relationship, including physical intimacy, were consensual.

Def

R. Subh



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3. The Petitioner states that he harbours no ill-will, grievance or negative sentiments towards the 2nd Respondent. He acknowledges the emotional circumstances that led to the filing of the complaint and states that he too wishes for complete closure, peace and resolution. He confirms that he has not exerted any pressure upon the 2nd Respondent to enter into this compromise and that the present settlement is genuine, voluntary and mutually beneficial.

4. The parties state jointly and unequivocally that there has been no monetary transaction, settlement amount, inducement, consideration or benefit offered or exchanged for the purpose of arriving at this compromise. The settlement is entirely based on the mutual desire of both parties to put the past behind them and proceed with their respective lives peacefully.

5. The 2nd Respondent affirms that she has executed a detailed Voluntary Affidavit narrating all relevant facts, clarifying the consensual nature of the relationship, and expressly requesting quashment of the criminal proceedings. She further affirms that she will support the prayer for quashing and will abide by the contents of her affidavit before this Hon'ble Court.

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R. Subba.



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6. The Petitioner affirms that he too has executed an Affidavit in support of the quash petition, acknowledging the consensual nature of the relationship, outlining the circumstances that led to misunderstandings, and expressing his complete willingness to bring all disputes to an end. He undertakes to cooperate with all proceedings before this Hon'ble Court.

7. Both parties respectfully submit that they have moved forward in life, each having attained emotional stability, responsibility and clarity. They state that continuation of the criminal proceedings would serve no purpose, would cause unnecessary trauma and hardship, and would impede their respective attempts to rebuild their lives peacefully. They therefore jointly request this Hon'ble Court to bring an end to the prosecution in the interest of justice, equity, mental well-being and judicial economy.

8. The parties jointly state that the compromise has been arrived at without any external influence and after understanding fully the legal implications. They respectfully affirm that the contents of this Joint Compromise Memo reflect their true and considered decision to close the chapter permanently.

Vaf

R. J. J.



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It In light of the above Circumstances, it is humbly prayed that this Hon'ble Court may be pleased to accept this said compromise memo

in S.C. No.207 of 2024 on the file of the Hon'ble Mahila Court, Chengalpattu, and Pass such further or other orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Dated at Chennai on this 26th day of January 2026.


COUNSEL FOR PETITIONER


PETITIONER


COUNSEL FOR 2ND RESPONDENT


2ND RESPONDENT

7.In view of the above, the Criminal Original Petition stands allowed and as a sequel, the case in S.C.No.207 of 2024 on the file of the Mahila Court, Chengalpattu is quashed against the petitioner and he is discharged from all charges.

09.04.2026

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

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Chengalpattu.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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