



CrI.O.P.No.6312 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.6312 of 2026

Sambath

... Petitioner

vs.

1.State rep. By
The Inspector of Police,
All Women Police Station,
Bhavani, Erode District.
Crime No.3 of 2021.

2.P.Loganathan

3.Kothaipriya

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the
Spl.S.C.No.39 of 2022 on the file of the Sessions Court, Magalir
Neethimandram (Fast Track Mahila Court) Erode and quash the same on the
ground of compromise entered into between the petitioner and the 2nd
respondent by allowing this Criminal Original Petition.



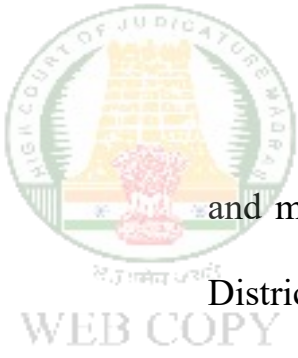
CrI.O.P.No.6312 of 2026

For Petitioner : Mr.R.Prabakar
For R1 : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor
For R2 & R3 : Mr.S.Ranjith Kumaran

ORDER

The petitioner/accused, who is facing trial in Special S.C.No.39 of 2022 for offence under Section 9 of Prohibition of Child Marriage Act, 2006 and Sections 5(l), 6 & 5(j)(ii) of Protection of Children from Sexual Offences Act, 2012 and Section 366 IPC before the learned Sessions Judge, Fast Track Court Mahila Court, Salem, has filed this Criminal Original Petition on the ground of compromise.

2.Case of the prosecution is that at the time of occurrence, the victim/3rd respondent was studying 10th std in Bharathi Kalvi Nilayam, Higher Secondary School, Nasiyanur, Erode and her date of birth is 26.09.2005. The victim girl during the free time used to attend construction work as Helper, at that time, she became friendly with the petitioner, a Mason. Taking advantage of tender age of victim, the petitioner promised the victim to marry her and also forced her to come Salem. On 27.01.2021, the victim informed her grandmother that she was going to school to give the photostat copy of Aadhar card, on the other hand, the victim went to Salem



and met the petitioner. From Salem, they had gone to Rayachoty, Kadapa District, Andhra Pradesh and stayed in the house of one Sanjeevan from 28.01.2021. On 29.01.2021, the victim was taken to nearby Anchaneyar Temple where the petitioner tied a Thali knowing well the victim was a minor and committed penetrative sexual assault on the victim on various dates. Due to this, the victim became pregnant and was admitted to Raviteja Nursing Home, Rayachoty, Kadapa District, Andhra Pradesh for delivery, at that time, as the victim was found minor, her father was informed about the victim admitted in the hospital. Thereafter, the 1st respondent Police had gone there, picked up the victim, arrested the petitioner and registered FIR.

3.On registration of FIR in Crime No.3 of 2021 for offence under Section 366 IPC and Sections 11(4) and 12 of Protection of Children from Sexual Offences Act, 2012, the 1st respondent Police examined the victim, her father and others including the Doctor who treated the victim and petitioner, Headmaster of Bharathi Kalvi Nilayam, Higher Secondary School, Nasiyanur, City Health Officer, Erode City Municipal Corporation who issued the Birth Certificate of the victim girl, produced the victim girl before the Magistrate, recorded 161(3) Cr.P.C statement, recorded the confession statement of the petitioner, prepared Observation Mahazar,



Rough Sketch, collected the medical report of the victim girl and petitioner.

The DNA report confirmed that the petitioner is the biological father of the female baby born to the victim. On conclusion of investigation, charge sheet filed before the trial Court and Special S.C.No.39 of 2022 assigned. Challenging the same, the present petition is filed on the ground of compromise.

4.Learned counsel for the petitioner submitted that the petitioner was previously married, but his wife deserted him and he has been living separately thereafter. The petitioner is a Mason and the victim was engaged in the construction work as Helper. The victim became friendly with the petitioner and she only insisted the petitioner to marry her despite the petitioner's resistance. The petitioner accompanied the victim only due to her insistence and compulsion since she threatened that she would end her life. Added to it, the victim informed the petitioner that she is more than 18 years of age and attained majority. The petitioner having no other option had to accompany the victim girl and, both went to Rayachoty, Kadapa District, Andhra Pradesh, stayed there and led a happy life. Learned counsel further submitted that there was no force or compulsion by the petitioner to marry the victim. The victim girl became pregnant and she got admitted in



Raviteja Nursing Home, Rayachoty, Kadapa District, Andhra Pradesh and a female baby born to them on 30.11.2021. Since the victim girl was found to be a minor, an information was sent to the 1st respondent Police, thereafter, a case registered against the petitioner and arrested.

5.Learned counsel further submitted that in this case, the victim was examined as PW1, her father as PW2 and her neighbours as PW3 & PW4. Even during the evidence before the trial Court, PW1, PW2 & PW3 not supported the case of the prosecution. Infact the victim in her deposition stated that she herself compelled the petitioner to take her with him and marry her. She further stated that she already attained majority and the petitioner is now facing trial. Learned counsel further submitted that now the victim/3rd respondent and her father/2nd respondent are not inclined to proceed against the petitioner and that both the petitioner and victim/3rd respondent are leading a happy married life. Hence, he prays for quashing.

6.Learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that in this case, during the relevant period, the victim was a minor aged about 15 years and her date of birth is 26.09.2005. To confirm the same, the victim's age certificate was collected from the



Headmaster, Bharathi Kalvi Nilayam, Higher Secondary School, Nasiyaur, Erode and from the City Health Officer, Erode City Municipal Corporation/LW13. The victim was examined by the Doctor. Further the victim was given birth to a female baby and DNA test confirmed that the petitioner is the reason for her pregnancy and birth of a female baby. He fairly submitted that the victim and the petitioner and the victim got married on 17.09.2025 which was registered in Sub Registrar Officer, Palacode in document No.HMR/PALACODE/13/2025. Further, the petitioner and the victim was blessed with a girl baby on 30.11.2021. The 1st respondent Police also enquired and found from the neighbours that they are living as husband and wife happily.

7.Considering the submissions and on perusal of the materials, it is seen that the defacto complainant/2nd respondent lodged a complaint stating that the petitioner forced her daughter and married her without their permission. The victim and the petitioner had love affair, both went to Rayachoty, Kadapa District, Andhra Pradesh, stayed there and the petitioner tied Thali in Anchaneyar Temple.

8.Today, the petitioner, victim/3rd respondent and her father/2nd



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respondent appeared before this Court, their identity confirmed by the 1st respondent Police. During interaction in the Chamber, the victim informed that she attained majority, both the petitioner and the victim are living as husband and wife and they were blessed with a girl baby on 30.11.2021. The victim further informed that she is not inclined to proceed with the case and ready to withdraw the case. The Apex Court in the case of ***“K.Dhandapani vs. State by the Inspector of Police*** reported in ***2022 SCC Online SC 1056***”, considered the subsequent events and observed that the Court cannot shut its eyes to the ground reality and disturb the happy family life of the petitioner as well as the victim. In view of the same, this Court finds that continuation of the proceedings will serve no purpose and it is only an abuse of process of law.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Special S.C.No.39 of 2022 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) Erode, Erode is hereby quashed.

12.03.2026

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

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To

- 1.The Sessions Court,
Magalir Neethimandram (Fast Track Mahila Court),
Erode.
- 2.The Inspector of Police,
All Women Police Station,
Bhavani, Erode District.
- 3.The Public Prosecutor,
Madras High Court.

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