



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 04-03-2026**

CORAM

**THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR**

**CRL OP No. 5041 of 2026**

P.Karthik

Petitioner

Vs

1.The State

rep by The Inspector of Police  
AWPS Police Station, Perambalur.  
(Crime No.41 of 2023)

2.Saratha

Social Welfare Extension Officer,  
Panchayat Union, Perambalur.

3.Santhosi

Respondents

**PRAYER**

This petition is preferred under section 528 of the BNSS, 2023 seeking to call for the records relating to the proceedings in SPL.SC.No.56 of 2025 pending on the file of the Learned Principal District and Sessions Court and Mahila Court, Perambalur and quash the same in respect of the petitioner and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render Justice.

For Petitioner: Mr.P.Surendar

For Respondents: Mr.Leonard Arul Joseph Selvam,  
Addl. Public Prosecutor  
for R1 and R2



Mr.G.Ajay Raj For R3

**ORDER**

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Seeking to quash the proceedings in Spl.S.C.No.56 of 2025 on the file of the learned Principal District and Sessions Court and Mahila Court, Perambalur, the petitioner who is facing trial in the above said case for the alleged offences under section 9 of the Prohibition of Child Marriage Act, 2006 and section 5(1), 5(j)(ii) and 6 of the Protection of Child from Sexual Offences Act, 2012, has filed the present criminal original petition.

2.Mr.P.Surendar, learned counsel appearing for petitioner is before this court. Mr.Leonard Arul Joseph Selvam, learned Additional Public Prosecutor took notice for respondents 1 and 2. Mr.G.Ajay Raj, learned counsel appears for third respondent.

3.It is the case of the petitioner that both the petitioner and the victim girl hail from the same social background. The victim's mother had passed away when she was young and it was her father who has taken care of her. The family members of the victim had approached the petitioner to marry the victim girl by informing him that the victim was a minor and therefore, believing their words, the petitioner had also accepted for the marriage and both the petitioner and the victim got married in a temple and they are leading a happy married life. It is



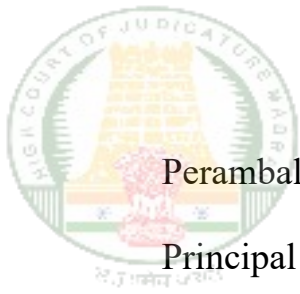
further submitted by the learned counsel for the petitioner that one Social Welfare Officer, without proper verification of the details, had lodged a false complaint as though the victim was minor and the petitioner had married her against her wish and had sexual assault on her. The victim in this case was born in the house and hence, there is no birth certificate and that only on presumption, a case has been registered and the petitioner had been prosecuted. The marriage was solemnized in a temple and both the family members and the villagers have participated in the marriage. Neither the victim nor the victim's relatives have any objection for the marriage and it was only an arranged marriage.

4.The learned Additional Public Prosecutor submitted that the Social Welfare Officer on getting a secret information had gone to Kurumbalur Palayam, Indira Gandhi Street on 22.06.2023 and had conducted an enquiry and on enquiry, it was found that the marriage of the victim girl and the petitioner was performed on 07.04.2023 in Palani temple and therefore, the Social Welfare Officer had lodged the complaint on 15.07.2023. The victim was 17 years of age at that time and her date of birth is 05.12.2005. The victim girl had discontinued her schooling. The victim was also produced before the medical doctor and before the learned Magistrate. On enquiry, the victim confirmed that she was minor and she was forced for the marriage.



5.This court has heard the submissions made by both sides. It is now informed that the victim has now attained majority and both the petitioner and the victim girl are living together as husband and wife. It is further informed that a baby boy was born to them on 22.09.2023 and the baby boy was named Balakeerthvik. It is to be noted that both the victim and the petitioner hail from a remote background and they have similar social background. There is no opposition either from the side of the victim or the family members of the victim with regard to the marriage. The case has been lodged at the instance of the social welfare officer. It is to be noted that both their families have limited education and are rustic villagers and now both the petitioner and the victim girl have decided to continue their happy family life.

6.The Hon'ble Supreme Court in ***K.Dhandapani Vs. State by the Inspector of Police*** reported in ***2022 SCC OnLine SC 1056*** has considered the subsequent events and observed that the Courts cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and prosecutrix. In the light of the above, this court is of the considered view that the substantial justice would be met if the victim girl and the petitioner are allowed to continue to have a happy family life as husband and wife with the baby boy. Hence this court is inclined to quash the criminal proceedings in Spl. S.C.No.56 of 2025 on the file of the learned Principal District and Sessions Court and Mahila Court,



Perambalur. Accordingly, Spl. S.C.No.56 of 2025 on the file of the learned Principal District and Sessions Court and Mahila Court, Perambalur is quashed.

This criminal original petition is allowed. No costs.

**04-03-2026**

Index:Yes/No  
Speaking/Non-speaking order  
Internet:Yes  
Neutral Citation:Yes/No  
vvk



To

- 1.The Principal District and Sessions Court and Mahila Court, Perambalur.
- 2.The Inspector of Police  
AWPS Police Station, Perambalur.  
(Crime No.41 of 2023)
- 3.Social Welfare Extension Officer,  
Panchayat Union, Perambalur.
- 4.Additional Public Prosecutor,  
Madras High Court, Chennai.



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**M.NIRMAL KUMAR J.**

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