



Crl.O.P.No.5521 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.5521 of 2026

Manidass

... Petitioner

vs.

1.State Rep by
Inspector of Police,
All Women Police Station,
Neyveli,
Cuddalore District.
(Crime No.16 of 2023).

2.Expanded Officer,
Social Welfare Officer,
Kurinjipadi,
Cuddalore District.

3.Anitha

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records and quash the final
report in Spl.S.C.No.146 of 2023 in Crime No.16 of 2023 on the file of the
Special Court for Exclusive trial of cases under POCSO Act, Cuddalore
under the ground of compromise.



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For Petitioner : Mr.G.Saravanabhavan
For R1 : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor

ORDER

The petitioner/accused, who is facing trial in Special S.C.No.146 of 2023 for offence under Sections 344 & 366 IPC and Section 9 of Prohibition of Child Marriage Act, 2006 and Sections 5(1), 5(n), 5(j)(ii) & 6 of Protection of Children from Sexual Offences Act, 2012 before the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Cuddalore, has filed this Criminal Original Petition on the ground of compromise.

2.Case of the prosecution is that on 09.06.2023 at 17.00 p.m. the 2nd respondent *viz.*, Extension Officer, Kurinjipadi Panchayat Union Office lodged a complaint to the 1st respondent Police stating that the 3rd respondent, a minor and the petitioner on 19.08.2022 got married at the Mariamman Temple in Adur Agaram without knowing the family, as a result of which, the 3rd respondent became pregnant and gave birth to a male child in Kurinjipadi Government Hospital on 06.06.2023. The background of the case is that the petitioner and the 3rd respondent, a minor aged about 16



years, were in love relationship for the past two years before the occurrence.

On coming to know about the love relationship, the 3rd respondent's parents warned the 3rd respondent and refused for marriage with the petitioner. On 19.08.2022 in the early morning at 04.00 a.m. the petitioner and the 3rd respondent left their home and the petitioner tied Thali at Adur Agaram Mariyamman Temple at 06.00 a.m. despite knowing the 3rd respondent was a minor. Since the petitioner's parents were not inclined to the marriage, the petitioner and the 3rd respondent took a rental house at Adur Agaram and led a marriage life. At that time, the petitioner had a physical relationship with the 3rd respondent, as a result of which the 3rd respondent became pregnant, and on 06.06.2023, she gave birth to a male child at the Government Hospital, Kurinjipadi. From there, information was sent to the 1st respondent Police and FIR in Crime No.16 of 2023 registered for offence under Sections 5(l) & 5(j)(ii) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2008. On conclusion of investigation, charge sheet filed before the trial Court listing LW1 to LW23 and marked documents and taken on file as Special S.C.No.146 of 2023.



3.Learned counsel for the petitioner submitted that the petitioner and the 3rd respondent were in love with each other and the 3rd respondent only insisted the petitioner to marry her despite the petitioner's resistance. The petitioner accompanied the 3rd respondent only due to her insistence and compulsion since she threatened that she would end her life. Added to it, the 3rd respondent informed the petitioner that she is more than 18 years of age and attained majority. The petitioner having no other option had to marry the 3rd respondent, and both got married in Mariyamman Temple, Adur Agaram. Learned counsel further submitted that there was no force or compulsion by the petitioner to marry the 3rd respondent. Since the 3rd respondent was found to be a minor, the 2nd respondent lodged complaint to the 1st respondent Police and a case registered against the petitioner.

4.Learned counsel further submitted that infact the 3rd respondent 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 3rd respondent/victim is not inclined to proceed against the petitioner and that both the petitioner and 3rd respondent are leading a happy married life with a male child. Hence, he prays for quashing.



5.Learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that in this case, during the relevant period, the victim was a minor and her date of birth is 05.06.2006. To confirm the same, the birth certificate of the 3rd respondent produced. The victim was examined by the Doctor. Further the victim was given birth to a male baby on 06.06.2023 and DNA test confirmed that the petitioner is the reason for her pregnancy and birth of a male baby. The 1st respondent Police also enquired and found from the neighbours that they are living as husband and wife happily.

6.Considering the submissions and on perusal of the materials, it is seen that the 3rd respondent/victim lodged a complaint stating that she and the petitioner were in love relationship and got married. At the time of giving birth to a male baby, an information was sent to the 2nd respondent who lodged a complaint to the 1st respondent Police.

7.Today, the petitioner, 3rd respondent/victim and their male baby appeared before this Court, their identity is confirmed by Ms.V.Lakshmi, Women Head Constable attached to the 1st respondent Police Station. During interaction in the Chamber, the 3rd respondent/victim informed that



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she attained majority, both the petitioner and the 3rd respondent/victim are living as husband and wife and they were blessed with a male baby on 06.06.2023 and another male baby on 19.01.2025. The 3rd respondent further informed that she is not inclined to proceed with the case and ready to withdraw the case and filed a affidavit to that effect. 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.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Special S.C.No.146 of 2023 on the file of the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Cuddalore is hereby quashed against the petitioner.

16.03.2026

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
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To

- 1.The Sessions Judge,
Special Court for Exclusive trial of cases under POCSO Act,
Cuddalore.
- 2.The Inspector of Police,
All Women Police Station,
Neyveli,
Cuddalore District.
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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