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CrI.O.P.No.7099 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.7099 of 2026 and
CrI.M.P.No.5170 of 2026

R.Rajesh

... Petitioner

vs.

1.The State,
Rep. By the Inspector of Police,
Tirupathur Town Police Station,
Tirupathur T.K.,
Tirupathur District.

2.S.Nirmala

3.S.Poornima

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records in Spl.S.C.No.12 of
2024 and quash all consequential proceedings in Spl.S.C.No.12 of 2024
pending on the file of the District and Sessions Judge at Tirupattur,
Tirupattur District.

For Petitioner	:	Mr.D.Jagadeesan
For R1	:	Mr.Leonard Arul Joseph Selvam, Additional Public Prosecutor



ORDER

The petitioner/accused, who is facing trial in Special S.C.No.12 of 2024 for offence under Sections 363 & 366 IPC and Sections 5(l) & 6 of Protection of Children from Sexual Offences Act, 2012 before the learned District and Sessions Judge, Tirupathur, has filed this Criminal Original Petition on the ground of compromise.

2. Case of the prosecution is that on 31.05.2022 at about 08.00 p.m. the 2nd respondent lodged a complaint to the 1st respondent Police stating that her daughter/3rd respondent, aged about 17 years, not returned back home from the school after completion of last exam. On the complaint, the 1st respondent Police registered FIR in Crime No.110 of 2022 under Girl Missing. During investigation, it came to light when the 3rd respondent came out from Sri Meenakshi Government Higher Secondary School after exam, without the permission of the 2nd respondent's guardian/parents the petitioner forced the 3rd respondent to come along with him. Thereafter, the petitioner took the 3rd respondent to Tirupattur bus stand, from there to Tirupati, and stayed there in a hostel for a week. After that, on 08.06.2022, the petitioner and the 3rd respondent went to Tiruvannamalai, boarded a town bus and was going towards Thandarampattu. On the side of the road, in a



house, the petitioner committed penetrative sexual assault on the 3rd respondent. On completion of investigation, the 1st respondent Police filed charge sheet before the trial Court listing LW1 to LW18 and documents and Special S.C.No.12 of 2024 assigned.

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 take her away from her parents 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. 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, a case registered against the petitioner.

4.Learned counsel further submitted that the 3rd respondent 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 female child. He further submitted that the marriage between the petitioner and the 3rd respondent registered before the Sub Registrar Office, Periyamet, Chennai. 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 24.05.2005. The victim was examined by the Doctor. Further the victim was given birth to a female baby on 08.08.2024 and that the petitioner is the reason for her pregnancy and birth of a female 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 since the 3rd respondent/victim girl was a minor during the relevant time, the case registered against the petitioner.

7.Today, the petitioner, 2nd respondent and her daughter/3rd respondent/victim appeared before this Court, their identity is confirmed by Mr.S.R.Natarajan, Sub Inspector of Police attached to the 1st respondent



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Police Station. During interaction in the Chamber, the 3rd respondent/victim informed that she attained majority, both the petitioner and the 3rd respondent/victim are living as husband and wife and they were blessed with a female baby on 08.08.2024. The 3rd respondent further informed that she is not inclined to proceed with the case and ready to withdraw the case and filed affidavit and joint compromise memo 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.12 of 2024 on the file of the District and Sessions Court, Tirupathur, is hereby quashed against the petitioner. Consequently, connected Criminal Miscellaneous Petition is closed.

23.03.2026

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 District and Sessions Judge,
Tirupathur.
- 2.The Inspector of Police,
Tirupathur Town Police Station,
Tirupathur T.K.,
Tirupathur District.
- 3.The Public Prosecutor,
Madras High Court.

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