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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 5134 of 2026 &
CRL MP No.3866 of 2026**

Poovarasam

..Petitioner

Vs

1. The state rep.by, The Inspector of Police,
All Women Police Station,
Dharmapuri District.

2. Jothi

..Respondent(s)

To call for the entire records pursuant to the case in Spl.S.C.No.106 of 2025 the Special Court for Exclusive trial of Cases under POCSO Act, Dharmapuri and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.T.Meganathan

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

Mr.K.Muruganandham FOR R2

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Special S.C.No.106 of 2025, pending on the file of the Special Court for



Exclusive trial of Cases under the Protection of Children from Sexual Offences
Act, 2012, Dharmapuri.

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2.The gist of the case is that the petitioner and the second respondent were loved each other. On coming to know of this, the second respondent's parents quarrelled with her and hence, they eloped on 12.05.2024 and married on the same day. Thereafter, the second respondent also got pregnant. In this situation, on 19.10.2024 at about 3.00 pm based on an information from an unknown person, the first respondent Police conducted an inquire and reveal that the petitioner married the 2nd respondent who is minor aged about 17 year at the time of occurrence. Therefore, the first respondent registered a case in Crime No.43 of 2024 for the offence under Sections 363, 366 of IPC and 5(l), 5(j)(ii), and 6 of the POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006.

3.On completion of investigation, the 1st respondent Police has filed charge sheet before the Trial Court and the same was taken on file as Special S.C.No106 of 2025, for offence under Sections 363, 366 of IPC and 5(l), 5(j)(ii), and 6 of the Protection of Children from Sexual Offence Act, 2012 r/w Section 9 of Prohibition of Child Marriage Act, 2006,



4. The learned counsel for the petitioner submitted that the petitioner and the victim girl/ the 2nd respondent were in love affair with each other. The second respondent, after attaining majority, had married to the petitioner. Now, they are leading their life separately.

5. The learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that as the petitioner had kidnapped the second respondent and had sexual intercourse with the second respondent, though she was aged 17 years at the time of occurrence, a case was registered in Crime No.43 of 2024 for the offence under Sections 363, 366 of IPC and 5(l), 5(j)(ii), and 6 of the POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006. On completion of investigation, the 1st respondent Police has filed charge sheet before the Trial Court and the same was taken on file as Special S.C.No106 of 2025, for offence under Sections 363, 366 of IPC and 5(l), 5(j)(ii), and 6 of the Protection of Children from Sexual Offence Act, 2012 r/w Section 9 of Prohibition of Child Marriage Act, 2006,

6. This Court considered the rival submissions and perused the materials available on record and also the Joint Compromise Memo filed by the petitioner and the 2nd respondent.



7.Today, the petitioner and the victim girl appeared before this Court. The victim girl has confirmed that they are leading their life peacefully. The petitioner and the victim girl have filed Joint Compromise Memo stating that the victim girl is not interested to prosecute the petitioner in Special S.C.No.106 of 2025.

8.This Court in the case of “***Sabari Vs. Inspector of Police*** reported in ***2019(2) MLJ Crl.110***”, had observed that during the adolescent age, boys and girls got involved in a relationship, such relationship would be the result of mutual innocence and biological attraction, which cannot be construed as an unnatural one or alien to between relationship of opposite sexes.

9. In a similar situation in the case of “***Kumar @ Tennish Vs. The Inspector of Police, Latheri Police Station, Katpadi Taluk, Vellore and another in Crl.O.p.No.16648 of 2018***”, this Court had quashed the proceedings on the compromise arrived between the accused and defacto complainant.

10. In view of the above and the compromise arrived between the parties, this Court finds that continuation of the proceedings will serve no purpose and it is only be an abuse of process of law.



11. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Special S.C.No.106 of 2025, on the file of the Special Court for Exclusive trial of Cases under the Protection of Children from Sexual Offences Act, 2012, Dharmapuri is hereby quashed and the Joint Compromise Memo filed by the petitioner and the victim girl shall form part and parcel of this case. Consequently, the connected miscellaneous petition is closed.

09-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The Inspector of Police,
All Women Police Station,
Dharmapuri District.
2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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