



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6891 of 2026

CrI.M.P.No.5003 of 2026

Ramalakkan

..Petitioner(s)

Vs

1. The State Rep by, The Inspector of Police,
All Women Police Station,
Perambalur,
Perambalur District.

2. Gopinath

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 528 of BNSS, pleaded to call for the records in Spl.SC No.65/2023 on the file of the Principal District and Sessions Court, Perambalur, in Cr.No.2/2023 on the file of Inspector of Police, All Women Police Station, Perambalur, Perambalur District and quash the same.

For Petitioner(s):

Mr.J.Milton Arul Rajendran

For Respondent(s):

Mr.Leonard Arul Joseph Selvam

Additional Public Prosecutor

Assisted by M/s.Harshana.T

ORDER

The Criminal Original Petition was filed to quash the proceedings in Spl.SC No.65/2023 on the file of the Principal District and Sessions Court, Perambalur, in Cr.No.2/2023 on the file of Inspector of Police, All Women Police Station, Perambalur, Perambalur District for the offences under Section 5 (1), 5 (j) (ii) and 6 of POCSO Act, 2012.



2.The case of the prosecution is that, at the time of the occurrence, the petitioner was approximately 23 years old and the victim was approximately 17 years old. They were neighbors. It is alleged that the petitioner forced the victim into a relationship and committed sexual assault against her. Consequently, she got pregnant. Hence, the complaint was registered.

3.The learned counsel for the petitioner submitted that there was consensual relationship between the petitioner and the victim girl, who was 17 years of age. In her statement recorded under Section 164 Cr.P.C., the victim stated that she was studying XI standard and was in a relationship with the petitioner. She further stated that at the time of the occurrence, she was aged about 16 years old and had sexual intercourse with the petitioner. The learned counsel further submitted that initially, the 2nd respondent and her family opposed the love affair of the victim girl and the petitioner and thereafter, both family members accepted the same and conduct marriage after the victim girl attains majority. Out of their wedlock, they have a male child. To substantiate the same, the learned counsel for the petitioner filed affidavit of the petitioner, and the victim girl and produced the photocopy of the marriage certificate, Family Card and ID proof of the victim and the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent



Police submits that on the complaint given by the victim's father, a case was registered in Cr.No.2 of 2023 on 18.01.2023 for the offences under Section 5 (1), 5 (j) (ii) and 6 of POCSO Act, 2012. He further submitted that the petitioner resided opposite to the victim's house and allegedly compelled her to into a relationship by threatening to commit suicide. Further, on 19.11.2022, at about 1.00 p.m the petitioner allegedly called the victim to his house and had intercourse with her. He had physical relationship multiple times in absence of their parents. Consequently, the victim became pregnant and the same was confirmed by Ex.P3 Medical report. Now, the investigation has been completed and final report has been filed before the Mahila Court, Perambalur. He further stated that the victim has since attained majority, she married the petitioner on 04.09.2025 and a male child has been born to them.

5. Now, petitioner and victim girl stated in the affidavit that the petitioner and the 2nd respondent is agreed to withdraw the complaint lodged against the petitioner in Crime No.2 of 2023. The victim girl has confirmed that she is happily living with the petitioner along with her child with the consent of the 2nd respondent. Hence, by allowing this petition, no prejudice would be caused to the victim girl and her family members.

6. He further submitted that during the pendency of investigation, both the



family members of the victim girl and the petitioner entered into a compromise

and marriage was conducted and now, the 2nd respondent is not inclined to further prosecute the petitioner.

7. This Court considered the rival submissions and perused the materials available on record and also the joint compromise memo filed by the victim girl,

2nd respondent/mother of the victim girl and the petitioner.

8. It is also apropos to point out that the Supreme Court, in **K.Dhandapani vs. The State [2022 LiveLaw (SC) 477]**, in which the appellant was convicted of the offences under Sections 5 and 6 of the POCSO Act, by a terse order, set aside the conviction and sentence slapped on the appellant, on the basis of the settlement arrived at between the parties. The following relevant paragraphs of the said order make an interesting reading:

“The appellant submitted that this Court should exercise its power under [Article 142](#) of the Constitution and ought to do complete justice and it could not be in the interest of justice to disturb the family life of the appellant and the prosecutrix.

After hearing the matter for some time on 08th March, 2022, we directed the District Judge to record the statement of the prosecutrix about her present status. The statement of the prosecutrix has been placed on record in which she has categorically stated that she has two children and they are being taken care of by the appellant and she is leading a happy married life.

Dr. Joseph Aristotle S., learned counsel appearing for the State, opposed the grant of any relief to the appellant on the ground that the



WEB COPY



prosecutrix was aged 14 years on the date of the offence and gave birth to the first child when she was 15 years and second child was born when she was 17 years. He argued that the marriage between the appellant and the prosecutrix is not legal. He expressed his apprehension that the said marriage might be only for the purpose of escaping punishment and there is no guarantee that the appellant will take care of the prosecutrix and the children after this Court grants relief to him.

In the peculiar facts and circumstances of this case, we are of the considered view that the conviction and sentence of the appellant who is maternal uncle of the prosecutrix deserves to be set aside in view of the subsequent events that have been brought to the notice of this Court. This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix. We have been informed about the custom in Tamil Nadu of the marriage of a girl with the maternal uncle.

For the aforesaid mentioned reasons, the conviction and sentence of the appellant is set aside in the peculiar facts of the case and shall not be treated as a precedent. The appeal is accordingly, disposed of. Pending application(s), if any, shall stand disposed of.

In case, the appellant does not take proper care of the prosecutrix, she or the State on behalf of the prosecutrix can move this Court for modification of this Order.”

(emphasis supplied by this Court)

9.Today, the petitioner and the victim girl appeared before this Court. The victim girl confirmed the compromise and settlement arrived with the petitioner and his family and also confirmed the marriage between the victim girl and the petitioner. The 2nd respondent has informed before this Court that he is not willing to further prosecute the petitioner, otherwise the peaceful life of the victim girl would get affected.

10.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.

11.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.

12.In the light of the above decisions and considering the fact that the continuation of the investigation would affect the peaceful life of the victim girl and the petitioner, this Court is inclined to quash the proceedings against the petitioner in Spl.SC No.65/2023 on the file of the Principal District and Sessions Court, Perambalur, in Cr.No.2/2023 on the file of Inspector of Police, All Women Police Station, Perambalur, Perambalur District and, is quashed.



13. Accordingly, this Criminal Original Petition is allowed. The joint compromise memo filed by the petitioner shall form part and parcel of this case. Consequently, the connected Miscellaneous Petition is closed.

27-03-2026

ep



WEB COPY

CRL OP No. 6891 of 2



M.NIRMAL KUMAR, J.

ep

To

1. The State Rep by, The Inspector of Police,
All Women Police Station,
Perambalur,
Perambalur District.
2. The Public Prosecutor
High Court of Madras.

CRL OP No. 6891 of 2026
CrI.M.P.No.5003 of 2026

27-03-2026