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CRL OP No. 7485 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 7485 of 2026

1. K.Muthu
2. P.Sureshkumar
3. S.Jayanthi
4. N.Krishnan
5. K.Devi

..Petitioner(s)

Vs

1. The Inspector of Police,
W-6, All Women Police Station,
Ayanavaram,
Chennai-600023.
Cr.No.14 of 2024.
2. M.Akshaya

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 528 of BNSS, pleaded to call for records in connection with Spl.S.C.No.40 of 2025 in Cr.No.14 of 2024 dated 18.12.2024 on the file of learned Sessions Judge (Magalir Neethimandram) Allikulam at Chennai and quash the same and thus render justice.

For Petitioner(s):

Mr.A.Sethuraman

For Respondent(s):

Mr.Leonard Arul Joseph Selvam

Additional Public Prosecutor

Assisted by M/s.Harshana.T for R1

ORDER

The Criminal Original Petition was filed to quash the proceedings against the petitioners in Spl.S.C.No.40 of 2025 on the file of the learned Sessions Judge, (Magalir Neethimandram) Allikulam, Chennai, in Cr.No.14 of 2024 on



the file of first respondent for the offences under Section 9 of Prevention of Child Marriage Act, 2006, and Sections 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 first petitioner was around 23 years old and the victim was around 17 years old. The first petitioner and the victim girl were in love relationship since 2022. It is alleged that on 08.11.2024, the first petitioner married the victim girl at Besant Nagar and committed penetrative sexual assault. Thereafter, on 10.11.2024, both family members had a reception at MM Marriage Hall, Otteri, the petitioner and the victim living together in a joint family. Consequently, the victim became pregnant went for medical checkup, finding victim was a minor, a complaint was lodged and a case registered.

3.The learned counsel for the petitioners submitted that there was a consensual relationship between the first petitioner and the victim girl. The victim girl, who was 17 years of age, in her statement recorded under Section 164 Cr.P.C., stated that she was in relationship with the first petitioner, since 2022, she married petitioner on 08.11.2024. The learned counsel further submitted that the first petitioner and the victim are legally wedded spouses, having solemnized their marriage, which is duly registered under the law. He further states that their marital life is happy and peaceful. Out of their wedlock,



a female child born to them on 24.03.2025. To confirm these facts, learned counsel for the petitioners produced the photocopy of the marriage, Birth Certificate of the child and ID proof of the victim and the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police submits that on a complaint lodged by the victim, a case was registered in Cr.No.14 of 2024 for the offences under Section Section 9 of Prevention of Child Marriage Act, 2006, and Sections 5 (1), 5 (j) (ii) and 6 of POCSO Act, 2012. Now, the investigation completed and charge sheet filed in Spl.S.C.No.40 of 2025 before the Sessions Judge, (Magalir Neethimandram) Allikulam, Chennai.

5.Now, the victim girl confirm in the joint compromise memo that she agreed to withdraw the complaint lodged against the petitioners in Crime No.14 of 2024. The victim girl further confirm she is living happily with the first petitioner along with their child. 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 petitioners entered into a compromise, conducted a reception, all relatives, friends and family members participated and wished the couples and now, the victim girl / second



respondent is not inclined to further prosecute the case and proceed against the petitioners.

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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, and the petitioners.

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 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.



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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 first petitioner and the victim girl appeared before this Court and their identity is confirmed by Tmt.R.Vijaya Chitra, Sub Inspector of Police attached to the 1st respondent Police Station. The victim girl confirmed the compromise and settlement arrived with the petitioners and also confirmed the marriage between the victim girl and the first petitioner. The victim girl / second respondent informed that she is not willing to further proceed against the petitioners, and informed continuation of case will affect peaceful life of the victim girl and the child.

10.This Court in the case of “*Sabari Vs. Inspector of Police* reported in *2019(2) MLJ CrI.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.

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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 prosecution would affect the peaceful life of the victim girl and the child and the first petitioner, this Court quashes the proceedings against the petitioners in Spl.S.C.No.40 of 2025, which is presently pending on the file of the learned Sessions Judge (Magalir Neethimandram) Allikulam at Chennai. The above case cannot be quoted against the petitioners, in any manner, including education and employment.

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

27-03-2026

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To

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2. The Public Prosecutor
High Court of Madras.



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M.NIRMAL KUMAR, J.

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