



Crl.O.P.No.5518 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.5518 of 2026

and

Crl.M.P.Nos.4153 & 4155 of 2026

Arulan Akash

... Petitioner

Vs.

1.State rep. through
The Inspector of Police,
W-6, All Women Police Station,
Ayyanavaram, Chennai – 12.

2.S.Bhavani

3.xxxxxx

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for records in Spl.S.C.No.36 of 2022 before the Sessions Judge, Special Court Magalir Neethimanram at Allikulam for exclusive trial of POCSO Act Cases, Chennai on the file of the respondent Police and quash the same.

For Petitioners : Mr.M.K.Yukanth

For R1 : Mr.Leronard Arul Joseph Selvam
Additional Public Prosecutor



ORDER

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The petitioner/accused facing trial in Spl.S.C.No.36 of 2022 before the learned Sessions Judge, Special Court Magalir Neethimanram at Allikulam for exclusive trial of POCSO Act Cases, Chennai, for the offence under Section 366(A) IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 (POCSO Act), filed this quash petition.

2.The prosecution case is that the defacto complainant Bhavani lodged a complaint stating that her husband is a flower vendor and she had two children, son and daughter. Her daughter is aged about 17 years, studying 12th Standard in Seventh Day Matriculation School. During 2021, when she was studying 10th standard, the petitioner who was residing in the opposite house had love affair with her daughter which was not approved and her daughter was warned. But the defacto complainant's daughter continued her love relationship and hence, the defacto complainant agreed that after three years marriage can be performed and engagement was conducted. On 03.02.2022 the petitioner married the defacto complainant's daughter and brought her home. Since the victim married the petitioner without her parents' permission, the defacto complainant refused to entertain them and



on 16.05.2022 the defacto complainant lodged a complaint, the officials from the Collector Office caused an enquiry and later case registered. During investigation, statement of witnesses LW1 to LW11 recorded, documents collected and on completion of investigation, charge sheet filed.

3.The contention of the learned counsel for the petitioner is that the petitioner is a B.Sc graduate, now employed as Transport Manager. The petitioner and the defacto complainant's daughter LW2 were in love relationship and both are neighbours residing in the opposite houses. The victim despite resistance from her parents continued her love relationship with the petitioner. Since the victim insisting for marriage with the petitioner, her parents agreed that marriage can be performed after three years and engagement conducted. After the engagement, the victim became embolden and forced the petitioner to marry her immediately, otherwise she would end her life. Left with no other option, the petitioner accompanied the victim to pacify her and on her compulsion, the petitioner agreed to marry the victim. Later when both the petitioner and the victim appeared, the victim's parents mistook that marriage was performed and refused to allow her inside the house. Thereafter the petitioner and the victim were



living with petitioner's parents. In the meanwhile, some anonymous call sent to the Social Welfare Department, who caused enquiry and activated the Police. The Police enquired and forced the defacto complainant and the victim to lodge a complaint and case registered. He further submitted that the admitted position is that the petitioner and the victim both hail from the same area having similar social status and they had love affair for quite sometime. In fact engagement was also conducted which is not in dispute. Now the petitioner and the victim living as husband and wife and they were blessed with a girl child on 13.11.2022, namely, A.Arulal Souline. He would further submit that birth certificates, Aadhaar card, community certificate and photographs of the petitioner, victim along with their parents, relatives and family friends produced.

4.The learned Additional Public Prosecutor submitted that the defacto complainant lodged a complaint on 16.05.2022 stating that her daughter who is a minor girl studying 12th standard was found missing. Further, the defacto complainant in her complaint stated that the victim and the petitioner were in love for the past two years and engagement function was also held. But it is the petitioner who took the victim when she was at the adolescent



age not knowing the consequences, married her and committed penetrative sexual assault. The victim was examined, statement recorded and her 164 statement recorded by the Magistrate. The medical record of the victim confirms that hymen was found not intact. The victim's school certificate collected from the Headmaster which confirms that the victim was a minor. The victim's statement is corroborated by the statement of her mother, father and on conclusion of investigation, charge sheet filed listing LW1 to LW11 and with documents. He fairly submitted that now the victim attained majority, the petitioner and the victim are living as husband and wife under one roof with his parents. Further, the petitioner and the victim was blessed with a girl baby on 13.11.2022. The respondent police also enquired and found from the neighbours that they are living as husband and wife.

5.Considering the submissions made and on perusal of the materials, it is seen that the defacto complainant lodged a complaint stating that the petitioner forced her daughter and married her without their permission. The victim and the petitioner had love affair, though it was initially resisted by the defacto complainant thereafter it was agreed to perform the marriage after three years and engagement was conducted. In the meantime, the



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petitioner and the victim got married which was objected by the defacto complainant and case registered. Now the victim attained majority, both the petitioner and the victim are living as husband and wife and they were blessed with a girl baby on 13.11.2022. 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 girl. 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.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Spl.S.C.No.36 of 2022 on the file of the learned Sessions Judge, Special Court Magalir Neethimanram at Allikulam for exclusive trial of POCSO Act Cases, Chennai is hereby quashed. Consequently, connected miscellaneous petitions are closed.

04.03.2026

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

- 1.The Inspector of Police,
W-6, All Women Police Station,
Ayyanavaram, Chennai – 12.
- 2.The Sessions Judge,
Special Court Magalir Neethimanram at
Allikulam for exclusive trial of POCSO Act Cases,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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