



Crl.O.P.No.6770 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2026

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6770 of 2026 and
Crl.M.P.No.4940 of 2026

Latchumanan @ Lakshmanan

... Petitioner

vs.

1.State Rep. by its,
The Inspector of Police,
Ariyankuppam Police Station,
Puducherry District.
Cr.No.94/2025.

2.Vanitha

3.Vijayadharshini

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records in connection with
final report in SPL.S.C.No.63 of 2025 on the file of the learned Sessions
Judge, Fast Track Court, Special Court for exclusively to deal with offences
under POCSO Act at Puducherry and quash the same.

For Petitioner	:	Mr.R.Raji
For R1	:	Mr.Leonard Arul Joseph Selvam, Additional Public Prosecutor



ORDER

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The petitioner/accused, who is facing trial in Special S.C.No.63 of 2025 for offence under Section 87 of BNS and Section 9 of Prohibition of Child Marriage Act, 2006 and Section 4 of Protection of Children from Sexual Offences Act, 2012 before the learned Sessions Judge, Fast Track Court, Special Court for exclusively to deal with offences under POCSO Act at Puducherry, has filed this Criminal Original Petition.

2.Case of the prosecution is that the 2nd respondent has two female daughters, elder daughter was studying at Tagore Arts College, Puducherry and younger daughter/3rd respondent was studying 12th std at Thanthai Periyar Higher Secondary School, Ariyankuppam and has written the public examination in March 2025. In this situation, on 06.05.2025 the 3rd respondent/victim informed her mother/2nd respondent that she had to go to school to register the mark sheet in Digi Locker website and left. Since the 3rd respondent was not returned back home, the 2nd respondent contacted the 2nd respondent's friend and enquired who informed that the 2nd respondent had left school at 12.00 p.m. itself. Despite search of the 2nd respondent, she could not be traced. Hence, a complaint was lodged to the 1st respondent



Police and a case in Crime No.94 of 2025 registered for offence under Section 137(2) of BNS. During investigation, it came to light that the petitioner induced the 2nd respondent under the pretext of love. On 06.05.2025, when the 3rd respondent went to school, the petitioner kidnapped her from the lawful guardianship of her parents with the intent to have illicit intercourse with her, took her to Thirupathi, Andhra Pradesh and then went to Tiruchendur on 09.05.2025 and tied Thali on her neck and brought her to his aunty's house at Thazhuthali near Mailam and subjected her to penetrative sexual assault. On conclusion of investigation, charge sheet filed before the trial Court listing LW1 to LW17 and documents and Special S.C.No.63 of 2025 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 marry her 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. The petitioner having no other option had to marry the 3rd respondent, and both got married on 09.05.2025 in Tiruchendur.



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 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. He further submitted that the marriage between the petitioner and the 3rd respondent are registered in Joint Sub Registrar-II, Cuddalore and the 3rd respondent is now two months pregnant. 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 03.11.2007. To confirm the same, the birth certificate of the 3rd respondent produced. Now the 3rd respondent is two months pregnant. The 1st respondent Police also enquired and found from the neighbours that they are living as husband and wife happily.



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6.Considering the submissions and on perusal of the materials, it is seen that today the petitioner, 2nd & 3rd respondents appeared before this Court, their identity is confirmed by Mr.J.Muruganandhan, Sub Inspector of Police attached to the 1st respondent 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 now the 3rd respondent is two months pregnant. Further the marriage between the petitioner and the 3rd respondent registered on 17.12.2025 in Joint Sub Registrar Officer-II, Cuddalore. The respondent 2 & 3 informed that they are 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.



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7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Special S.C.No.63 of 2025 on the file of the Fast Track Court, Special Court for exclusively to deal with offences under POCSO Act at Puducherry is hereby quashed against the petitioner. Consequently, connected criminal miscellaneous petition is closed.

16.03.2026

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

1. The Sessions Judge,
Fast Track Court, Special Court for exclusively to deal
with offences under POCSO Act at Puducherry.
2. The Inspector of Police,
Ariyankuppam Police Station,
Puducherry District.
3. The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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