



Crl.O.P.No.6708 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6708 of 2026 and
Crl.M.P.Nos.4890 & 4891 of 2026

1.Sundaramoorthi
2.Govindasamy
3.Jothi
4.Vedi
5.Mangai

... Petitioners

vs.

1.State Rep. by The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
(Crime No.352/2025).

2.Monisha

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records pending on the file of
the Special Court for Exclusive trial of cases under POCSO Act, Tirupattur,
Tirupattur District in Spl.S.C.No.149/2025 and quash the Criminal
proceeding.



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For Petitioner : Mr.E.Kannadasan
For R1 : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor

ORDER

The petitioners/accused, who are facing trial in Special S.C.No.149 of 2025 for offence under Sections 9 & 10 of Prohibition of Child Marriage Act, 2006 and Sections 5(l), 5(j)(ii) & 6 of Protection of Children from Sexual Offences Act, 2012 before the learned Special Judge, Special Court for exclusive trial of cases under POCSO Act, Tirupattur, has filed this Criminal Original Petition on the ground of compromise.

2.Case of the prosecution is that on receipt of information from the Government Hospital, Tirupathur, the 1st respondent Police had gone to the hospital and recorded the complaint of the 2nd respondent/victim. The complaint is that in the year 2024, as the 2nd respondent failed in 12th std, she discontinued her studies, and was idle at home. The petitioners 4 and 5 arranged marriage with the petitioner. On 12.07.2024, the marriage conducted at 06.30 in the morning in the presence of the family members. Thereafter, the 1st petitioner had physical relationship with the 2nd respondent, as a result of which, the 2nd respondent became pregnant.



During the 10th month of pregnancy, the 2nd respondent was admitted in Tirupattur Government General Hospital where the Doctor examined the 2nd respondent and found that the 2nd respondent was a minor. The 1st respondent Police registered FIR in Crime No.352 of 2025 for offence under Sections 10 & 11 of Prohibition of Child Marriage Act, 2006 and Sections 5(l), 5(j)(ii) & 6 of Protection of Children from Sexual Offences Act, 2012. On conclusion of investigation, charge sheet filed before the trial Court listing LW1 to LW12 and documents and Special S.C.No.149 of 2025 assigned.

3.Learned counsel for the petitioners submitted that the petitioners 1 to 3 are husband, father-in-law and mother-in-law of the 2nd respondent and the petitioners 4 and 5 are parents of the 2nd respondent. The marriage between the petitioner and the 2nd respondent solemnised on 12.07.2024. He further submitted that at the time of the marriage, neither the 1st petitioner nor his parents/2nd & 3rd petitioners had knowledge that the 2nd respondent was a minor and the age of the 2nd respondent was not disclosed to the petitioners 1 to 3. Added to it, the marriage was performed with the consent and active participation of the 2nd respondent and her parents/4th & 5th petitioners. He further submitted that the case appears to be based solely on



the later discovery of the 2nd respondent's age, and not on any deliberate or intentional wrongdoing of the petitioners 1 to 3. The 2nd respondent's parents/petitioners 4 & 5 being natural guardians, were primarily responsible for verifying and ensuring the age of their daughter before solemnizing the marriage. In the absence of any criminal intent, no case would be made out against the petitioners. He further submitted that now the 2nd respondent attained majority and gave birth to a female baby on 07.09.2025 and further the 2nd respondent and the petitioner are leading a happy married life. Hence, he prayed for quashing.

4.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 10.03.2007. To confirm the same, the birth certificate of the 2nd respondent produced. The petitioners 2 to 5, who are the parents of the 1st petitioner and 2nd respondent, conducted marriage between them despite the 2nd respondent was a minor. He fairly submitted that now the 2nd respondent attained majority and the petitioner and the 2nd respondent are living happily as husband and wife with their new born female baby.



5.Considering the submissions and on perusal of the materials, it is seen that the case was registered for the reason that despite the 2nd respondent being a minor, the petitioners 2 to 5 conducted the marriage between the 1st petitioner and the 2nd respondent.

6.Today, the petitioners, 2nd respondent/victim appeared before this Court, their identity is confirmed by Mr.R.Narayanan, Head Constable attached to the 1st respondent Police Station. During interaction in the Chamber, the 2nd respondent/victim informed that she attained majority, both the 1st petitioner and the 2nd respondent are living as husband and wife and they were blessed with a female baby on 07.09.2025. The victim further informed that she is not inclined to proceed with the case and ready to withdraw the case. Further the petitioners and the 2nd respondent filed separate affidavits and joint compromise memo to compromise the issue. 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 petitioners 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.149 of 2025 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Tirupathur is hereby quashed against the petitioners. Consequently, connected miscellaneous petitions are 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,
Special Court for Exclusive Trial of cases under POCSO Act,
Tirupathur.
2. The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
3. The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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