



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 7165 of 2026

and

CrI.MP.No.5238 of 2026

1. Karthick
S/o.Arumugam,
2. Arumugam
S/o.Munusamy,
3. Pachiyammal
W/o.Arumugam,
4. Murugammal
W/o.Muniyappan,
5. Muniyappan
S/o.Ramakrishnan,

All are residing at Kondasamanahalli Village,
Dhandukaranahalli Post,
Palacode Taluk, Dharmapuri District.

..Petitioner(s)

Vs

1. The Inspector of Police
All Women Police Station,
Palacode, Dharmapuri.Crime No. 11/2025.
2. The Women Rural Welfare Officer
Palacode Taluk,Dharmapuri Distirct.
3. Sathya W/o.Karthick,
D/o.Muniyappan,
Kondasamanahalli Village,
Dhandukaranahalli Post,
Palacode Taluk, Dharmapuri District.

..Respondent(s)



PRAYER: This criminal original petition filed under Section 528 of BNSS to call for the records and quash the proceedings in Special S.C.No. 222/2025 on the file of the Special Court (POCSO Case) , Dharmapuri District and pass such further or other orders as this Honble Court.

For Petitioner(s): Mr.M.Selvam

For Respondent(s): Mr. LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PUBLIC PROSECUTOR
for R1

ORDER

The petitioners/accused in Spl.SC.No.222 of 2025 for offence under Sections 363 & 366 IPC, Section 5(i), 5(j)(ii) and 6(1) of Protection of Child from Sexual Offences Act, 2019 and Sections 9, 10 & 11 of Prohibition of Child Marriage Act, 2006, filed this quash petition.

2.The case against the petitioners is that victim aged about 17 years, whose date of birth is 24.12.2005 was living with her parents 4 & 5 petitioners. The victim was studying second year nursing course in SMC Nursing College. During the holidays, she used to help her parents in the field. Near to the field, petitioners 1 to 3 residing. The first petitioner shown interest on the victim girl. On 25.12.2022, when the victim girl was plucking guava fruit in the orchard, at that time, the first petitioner took the victim girl forcibly into his house and



committed penetrative sexual assault, and victim became pregnant. Thereafter, on 09.09.2023, the victim gave birth to a female baby. Thereafter, complaint registered and after completion of investigation, charge sheet filed listing 19 witnesses before the Special Court (POSCO Case), Dharmapuri, which was taken on file in Spl.S.C.No.222 of 2025.

3.The contention of the petitioners is that the first petitioner was interested in the victim and the victim was friendly with him, both showered interest, against each other they were friendly but not lovers. The first petitioner and victim were spending time together. The parents of the first petitioner and the victim mistook that it was a serious love affair and forced them for a marriage. It was later registered. When the victim became pregnant, the blame was shifted to the first petitioner and the case registered. Now victim comes forward, realizing her mistake and sworn to an affidavit not willing to proceed the case against the petitioners. Even at the time of alleged occurrence, the victim was just short of attaining majority. Victim is a paramedical student, consciously having a friendly relationship with the first petitioner, knowing the consequences. Now, the issue has been resolved and a compromise entered between the victim and the petitioners. In this regard, they filed a joint compromise memo, which is scanned and extracted hereunder:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Crl. O.P. No. 7165 of 2026

In

Special.SC.No. 222 of 2025

(On the file of the Special Court (POSCO case), Dharmapuri District)

1. Karthick
S/o. Arumugam,
2. Arumugam
S/o. Munusamy
3. Pachiyammal,
W/o. Arumugam,
4. Murugammal
W/o. Muniyappan
5. Muniyappan
S/o Ramakrishnan

All are residing Kondasamanahalli Village,
Dhandukaranahalli post,
Palacode Taluk,
Dharmapuri Dt

... Petitioners/Accused 1 to 5
Vs

1. The Inspector of Police,
All Women Police Station,
Palacode,
Dharmapuri.
(Cr. No.11 of 2025)

...Respondent/ Complainant

2. The Women Rural Welfare Officer,
Palacode Taluk,
Dharmapuri District

...Respondent/ Defacto Complainant

3. Sathya
W/o. Karthick,
D/o. Muniyappan
Kondasamanahalli Village,
Dhandukaranahalli post,
Palacode Taluk,
Dharmapuri Dt

...Respondent/ Victim



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JOINT MEMO OF COMPROMISE FILED BY PETITIONERS AND 3rd RESPONDENT

The parties beg to submit as follows:-

1. It is submitted that the Petitioners had filed quash petition for to call for the records and Quash the proceedings in Special S.C.No.222 of 2025 under Sections 5(i), 5(ii) (ii) 6(1) read with section 9 and 10 of the Protection of Child from Sexual Offences Act, 2012, R/w 363 366 Indian Penal Code 1860 pending on the file of the Special Court (POSCO case), Dharmapuri District

CASE OF THE PROSECUTION:

2. The petitioner humbly submits that the case of the prosecution is that the defacto complainant Women Rural Welfare Officer has received a complaint from Childline lodged from Kondasamanahalli Village that 5th petitioner Mr.Muniappan's daughter(victim) aged 19 years was married at the age of 17 years and having 1 year old female child. Immediately the 2nd respondent went to Kondasamaushalli village and enquired with the victim and found that she was born on 24.12.2005. The victim having the habit of often goes to agricultural land during school holidays. Likewise while studying 11th standard in Anumanthapuram Government school, the victim went to agricultural land, climbed the Gauva tree for picking Gauva fruit in the nearby the relative land 2nd petitioner Arumugam. By that time the 1st petitioner/accused, son of Arumugam pulled the hand of the victim and both chit chat with each other. Thereafter the 1st petitioner taken the victim to his house around 5.30pm and had sexual intercourse. Similarly while the victim going to the agricultural land, the 1st petitioner/accused forcefully had sexual intercourse for more than 5 times. Because of which the victim got pregnant, the



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Contact of the victim became large size and hence the mother of the victim the 4th petitioner taken the victim to the Doctor Rajkumar at Pappirapatti and the doctor informed that the victim was pregnant. Thereafter the victim mother 4th petitioner enquired about the pregnancy and went with her father the 5th petitioner in the 1st petitioner/accused home and asked for justice with the 1st petitioner's parents. For which the petitioner's parents 2nd and 3rd petitioner agreed to arrange marriage for both the 1st petitioner and the victim. On 12.05.2023 in the presence of the victim mother Murugammal, father Muniappan, petitioner's father Arumugam and petitioner's mother Pachiammal having jointly solemnized marriage with the victim and the 1st petitioner at Kondasamunabali Mariamman Kovil and the 1st petitioner tied thali to the victim. After marriage the victim resided for one month at the matrimonial home of the 1st petitioner/accused and the victim didn't like the activities of the 1st petitioner/accused so returned to her parents home. On 09.09.2023, the victim underwent cesarean section for giving birth to a female child at BGR hospital Dharmapuri. The victim stayed at the parents' home for one month and expressed unwillingness to live with the 1st petitioner/accused and willing to continue studies. So the victim parents handed over the child to their relative Vadivel at Mallasamuthiram village and the victim visit the child as and whenever required. On 15.02.2025 the 1st petitioner/accused got married to Rajeswari at Palacode, hence the defacto complainant gave complaint against the petitioners/Accuseds in AWPS, Palacode and a case was registered in Crime No. 11 of 2025, under Sections under Sections 5(i), 5(j) (ii) 6(1) read with section 9 and 10 of the Protection of Child from Sexual Offences Act, 2012, R/w 363 366 Indian Penal Code 1860 against the petitioners on the file of 1st respondent police to register a case in crime no 11/2025 and the same been taken



TERMS OF COMPROMISE ENTERED BETWEEN PARTIES:

3. That the petitioners and the 3rd respondent are close relatives and we involved in chit chat with each other and had consensual romantic relationship. The petitioners 2 to 5 have solemnized marriage with the 3rd respondent and the 1st petitioner at Kondasamanshalli Mariamman Kovil. After marriage the victim resided for one month at the matrimonial home of the 1st petitioner/accused and the 3rd respondent didn't like the activities of the 1st petitioner/accused so returned to her parents home.

4. The petitioners humbly submit that 1st petitioner working in a private company and now they have baby out of this relationship. The 3rd respondent stayed at the parents' home for one month and expressed unwillingness to live with the 1st petitioner/accused and willing to continue studies.

5. That the 2nd petitioner is the Father of the 1st petitioner, 3rd petitioner is the Mother of the 1st petitioner and 4th petitioner is the Father of the Victim and 5th petitioner is the Mother of the Victim. That the 3rd respondent attained major age and studying her higher education and they also given consent to mutual separation under the aforesaid circumstances, if the petitioners are allowed to face the trial is nothing but an abuse of process of law.

6. That the 3rd respondent is not interested in further proceeding of the trial which would cause unnecessary ordeals in to the petitioners and the 3rd respondent have no objection to quash proceedings in Special S.C.No.222 of 2025 on the file of the Special Court (POSCO case), Dharmapuri District.



7. That both the parties file this joint compromise memo to be read as part and parcel of the Quash petition and further undertakes to maintain peace and harmony between themselves.

For the reasons stated above it is prayed that this Hon'ble Court may be pleased to accept the joint compromise memo and to call for the records and Quash the proceedings in Special S.C.No.222 of 2025 on the file of the Special Court (POSCO case), Dharmapuri District and thus render justice,

Dated at Chennai on this the 29th day of MARCH 2026

1. Ramji
2. M. S. Sathya
3. M. S. Sathya
4. M. S. Sathya
5. M. S. Sathya
Petitioners

M. Sathya
3rd Respondent

Counsel for the Petitioners

Counsel for the 3rd Respondent



4. The learned Additional Public Prosecutor submitted that based on the complaint received from the second respondent/The Rural Welfare Officer, Palacode, and case registered. Thereafter, the victim was examined, her statement recorded and investigation completed listing 19 witnesses and producing documents. Further, submitted that from the forensic DNA report, it is seen first petitioner excluded from the paternity test conducted on the baby. The victim not disclosed the person responsible for her pregnancy. Therefore, it is submitted that no material could be collected to prove the allegation of child marriage and penetrative sexual assault by the first petitioner and abetted for marriage by other petitioners.

5. Heard both sides and perused the materials available on record.

6. The case is still at the stage of trial. By passage of time, the parties decided to bury their hatchet and compromise the dispute amicably among themselves.

7. The petitioners and the victim appeared before this Court and were identified by their respective counsel as well as by Ms. Maheswari, WHC – 282, AWPS, Palacode.



8. On interaction by this Court, the victim confirmed that she is willing to settle the dispute with the petitioners and she is not willing to pursue the criminal proceedings and therefore, seeks to quash the same. Further, DNA Test excludes the first petitioner's paternity to the baby. For the other overtacts, no witnesses confirm about any marriage abetted by other petitioners and there is no proof for any child marriage. Hence, now the fulcrum of the case vanishes. The victim is a Nursing student, knows about the act and consequences.

9. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in Spl.S.C.No.222 of 2025, pending on the file of the Special Court (POSCO Case), Dharmapuri District.

10. In the present case, the offences in question are purely individual/personal in nature and the first petitioner is excluded from the paternity of the baby. It involves dispute between the petitioners and the third respondent victim and quashing the proceedings will not affect any overriding public interest in this



case and no useful purpose will be served in continuing with the criminal proceedings. In view of the above, this Court is inclined to quash the proceedings pending against the petitioners in Spl.S.C.No.222 of 2025 on the file of the Special Court (POSCO Case), Dharmapuri District.

11. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No222 of 2025, pending on the file of the Special Court (POSCO Case), is quashed and the terms of affidavit and joint compromise shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

10-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

sms

To

1. The Special Court (POCSO Case) ,
Dharmapuri District.

2. The Inspector of Police
All Women Police Station,
Palacode, Dharmapuri.
Crime No. 11/2025.

3. The Women Rural Welfare Officer
Palacode Taluk,
Dharmapuri District.

4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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