



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 11406 of 2026

and

CrI.MP.No.8130 of 2026

1. Jayakanthan
S/o.Rajendran,
No.9, Reddy Street,
M.M.Palayam,
Puzhal, Chennai-600 066.
2. Sagayaraj
S/o.Siluvainaathan,
No.428, F-block,
T Sunami Quarters,
Tondiarpet, Chennai-600 081.
3. Jesintha Mary
W/o.Sagayaraj,
All 3 are residing at No.369,
Kailasam Street,
Tondiarpet, Chennai-81.

..Petitioner(s)

Vs

1. The State rep.by
Inspector of Police,
AWPS-33, Madhavaram Police Station,
Chennai-600 066. Cr.No.16 of 2021.
2. Margret Jenifer
W/o.Jayakanthan,
No.9, Reddy Street,
M.M.Palayam,
Puzhal, Chennai-600 066.

..Respondent(s)



PRAYER: The criminal original petition filed under Section 528 of BNSS to call for the records pertaining to Spl.S.C.No.45 of 2024 in Cr.No.16 of 2021, pending on the file of the learned Special Court for the Exclusive trial of POCSO Cases, Tiruvallur u/s.9 and 10 of the Prohibition and Child Marriage Act 2006 and 6 of POCSO Act 2012 and quash the same.

For Petitioner(s): Mr.T.Nixon

For Respondent(s): Mr.R. RAJASEKARAN
Govt. Advocate (CRL. SIDE) for R1

ORDER

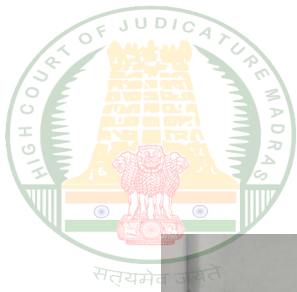
The petitioners/accused facing trial in Spl.S.C.No.45 of 2024 for offences under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and 6 of Protection of Child From Sexual Offences Act, 2012 filed this quash petition.

2.The case against the petitioners is that the victim girl's date of birth is on 11.01.2024 and the victim girl is studying in 11th standard. On 01.07.2021 due to pregnant stomach pain, the victim girl was admitted in RSAM hospital for delivery and blessed with a child at 9.30 p.m. Thereafter, the hospital authorities collected patient's details and found that the victim girl is a minor and the parents of the first petitioner, have conducted the marriage between the first petitioner and the defacto complainant and intimation was gave to the first respondent police and registered a case in Crime No.16 of 2021.



3. The learned counsel appearing for the petitioners submitted that the 1st petitioner is the close relation of the victim girl's family from the childhood itself, both the parents of the victim girl and the 1st petitioners' family decided their marriage after they attend the marriage age. But due to unavoidable circumstances, the 1st petitioner's mother was very sick and she was in a critical stage, in order to fulfil the 1st petitioner's mother's promise, with the concern of both families, marriage was held in front of a shrine in Puzhal, subsequent to that the victim girl started her matrimonial life with the 1st petitioner and living happily. Out of wedlock, they had female child namely J.Lathika born on 04.07.2021.

4. Further, the learned counsel for the petitioners submitted that based on the statement of the victim girl due to her age, RSRM Hospital gave intimation the respondent police, the respondent police registered a case and filed final report before the Special Court for the Exclusive trial of POCSO Cases, Tiruvallur, which was taken on file in Spl.S.C.No.45 of 2024. Now, the case is at trial stage. The defacto complainant now attained majority and gave birth a female child on 04.07.2021 namely J.Lathika. In respect of the same, a copy of the birth certificate of J.Lathika was produced. He further submitted that the defacto complainant has no objection to quash the criminal proceedings. Hence, they seek to quash the proceedings pending against the petitioners and in this regard, a Joint compromise memo entered between them, which is scanned and reproduced hereunder:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Crl.O.P.No. 11406 of 2026

in

Spl.S.C.No. 45 of 2024

On the file of Spl. Exclusive Trial of Pecso Cases, Tiruvallur

Cr.No.16 of 2021

(On the file of the Special Court for the Exclusive Trial of Pecso Cases, Tiruvallur)

On the file of Inspector of Police AWPS-33 Madhavaram)

1. Jayakanthan, M/28 years,

S/o. Rajendran

No.9, Reddy Street, M.M. Palayam,

Puzhal, Chennai-600 066.

2. Sagayaraj, M/51 years

S/o Siluvainaathan,

No.428, "F" Block, T sunami Quarters,

Tondiarpet, Chennai-600 081.

3. Jesintha Mary, F/41 Years

W/o .Sagayaraj,

All 3 are residing at No.369,

Kailasam Street,

Tondiarpet, Chennai - 81.

... Petitioners/Accused(A1- A-3)

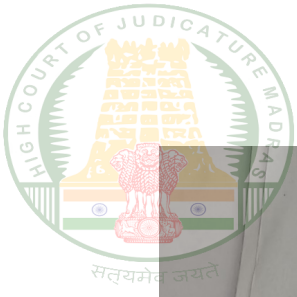
-Vs-

1. The State Rep: by Inspector of Police,
AWPS-33, Madhavaram Police Station,
Chennai - 600 066.

Cr.No.16 of 2021.

...Respondent/Complainant

*Suf**S. D. Rajan*
S. D. Rajan



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2. Margret Jenifer, F/22 years,
W/o Jayakanthan,
No.9, Reddy Street, M.M. Palayam,
Puzhal, Chennai-600 066.

... Respondent/Defacto Complainant

JOINT COMPROMISE MEMO

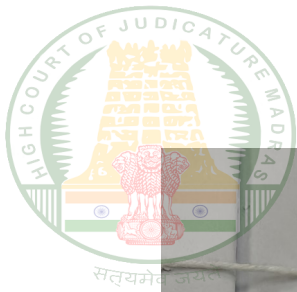
1. The Petitioners and the De-facto Complainant agreed and willing to compromise the issue in Crl.O.P.No. of 2026 pending before this Hon'ble Court.
2. The petitioners submits that, based on the information by the hospital authority the respondent police register a case against the petitioners for the offence U/s 9 and 10 of the Prohibition of Child Marriage Act 2006 and 6 of POCSO Act 2012. Thereafter, the investigating officer conducted the investigation filed the final report.
3. The petitioner submits that he and the de-facto complainant both are close relatives i.e., the petitioner is the Uncle as well as her Elder sister's husband.

Hence, the Victim girl give consent for quashing the Charge sheet filed before the Learned Special Court for the Exclusive Trial of Pocso Cases, Tiruvallur in Spl.S.C.No.45 of 2024 in Crime No.16 of 2021 which is now challenge before this Hon'ble court in Crl.O.P.No. of 2026 The affidavit filed by the de-facto complainant may be taken part and parcel of this memo.

[Signature]

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[Signature]
3.12.2024



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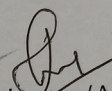
Hence the petitioners and the de-facto complainant jointly pray that this Hon'ble court may be pleased to accept this joint compromise memo and allow the Crl.O.P.No. of 2026 and thus render Justice.

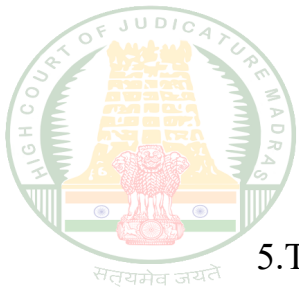
Dated at Chennai this is the 2nd day of March 2026.

1) 
Petitioner/Accused

 (MARAGET TEMPER)
The De-facto complainant/2nd Respondent

2) S. S. Narayan
3) S. G. S. Narayan


Counsel for Petitioners/Accused



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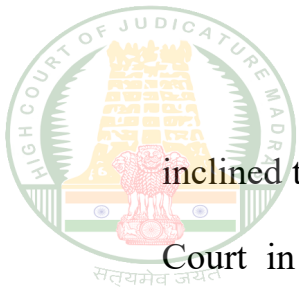
5.The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the defacto complainant now attained majority and the 1st petitioner and the defacto complainant are living happily and they have a female child namely J.lathika born on 04.07.2021.

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

7.Considering the submissions and on perusal of the materials, it is seen that the 2nd respondent/defacto complainant lodged a complaint stating that she and the first petitioner got married. At the time of giving birth to a female baby, an information was sent to the first respondent police and registered a case.

8.The petitioners and the defacto complainant/R2 appeared before this Court along with their female child and were identified by their respective counsel as well as by S.Kumutham, WHC 35874, AWPS – 33, Madhavaram Police Station.

9.During interaction, the 2nd respondent/defacto complainant informed that she attained majority, both the petitioner and the 2nd respondent/defacto complainant are living as husband and wife and they were blessed with a female baby on 28.01.2025. The 2nd respondent further informed that she is not



inclined to proceed with the case and filed an affidavit 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.

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Special S.C.No.45 of 2025 pending on the file of the Special Court for the Exclusive Trial of Pocso Cases, Tiruvallur, is hereby quashed against the petitioners. Consequently, connected miscellaneous petition is closed.

11. The affidavit and the Joint Compromise Memo filed by the petitioners and the second respondent defacto complainant for compromising the offences shall form part of the records.

05-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Special Court for the Exclusive Trial of
POCSO Cases, Tiruvallur,
2. The Inspector of Police,
AWPS-33, Madhavaram Police Station,
Chennai-600 066. Cr.No.16 of 2021.
3. The Public Prosecutor
High Court, Madras.



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CRL OP No. 11406 of 2



M.NIRMAL KUMAR, J.

sms

CRL OP No. 11406 of 2026
and
CrI.MP.No.8130 of 2026

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