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CRL OP No. 7353 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 7353 of 2026

G.Prakash

..Petitioner(s)

Vs

1. State of Tamil Nadu,Inspector of Police,
All Women Police Station,
Chidambaram,
Cuddalore District.
2. The Extension Officer,
Bhuvanagiri Panchayat Union,
Panchayat Union Office,
Bhuvanagiri,
Cuddalore District.

3. Malini

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 528 of BNSS, pleaded to call for records relating to Spl.S.C.No.156 of 2024, which is presently pending on the file of the Sessions Judge, Mahila Court, Cuddalore, Cuddalore District in quashing the same and passing such further or other orders.

For Petitioner(s):

Mr.S.Siva Kumar

For Respondent(s):

Mr.Leonard Arul Joseph Selvam

Additional Public Prosecutor

Assisted by M/s.Harshana.T for R1

ORDER

The Criminal Original Petition was filed to quash the proceedings in Spl.SC No.156 of 2024 on the file of the learned Sessions Judge, Mahila Court, Cuddalore, Cuddalore District in Cr.No.30 of 2023 on the file of first



respondent for the offences under Section 9 of Child Marriage Act, 2006, 5 (n), 5 (1), 5 (j) (ii) and 6 of POCSO Act, 2012.

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2.The case of the prosecution is that, at the time of the occurrence, the petitioner was around 20 years old and the victim was around 17 years old. The petitioner, who is the uncle of the victim, residing for the past ten years along with the victim and her parents. It is alleged that on 20.02.2022, at about 06.00 a.m., the petitioner tied a Thali to the victim girl without her consent and committed penetrative sexual assault, consequently, victim got pregnant. Hence, the complaint was registered.

3.The learned counsel for the petitioner submitted that victim and petitioner closely related with marriable relationship, both interested, developed love between them and that there was a consensual relationship. The victim girl completed 17 years few months short to attain majority. Victim in her statement recorded under Section 164 Cr.P.C., confirm petitioner is her uncle and both known to each other since childhood, and they were in relationship. She further stated that her mother is a heart patient was not confident to live long as she wished to marry before her mother health deteriorates. Hence, she compelled and married the petitioner on 20.02.2022. The learned counsel further submitted that the petitioner and the victim are now legally wedded, marriage solemnized, duly registered under the law. Both parties affirm that their marital life living



happily and peacefully. Out of their wedlock, a female child born to them on 22.02.2024. To confirm these facts, petitioner produced the photocopy of the marriage certificate, Birth Certificate of the child and ID proof of the victim and the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police submits that on a complaint lodged by the victim, a case was registered in Cr.No.30 of 2023 on 09.09.2023 for the offences under Section 9 of Child Marriage Act, 2006, 5 (n), 5 (1), 5 (j) (ii) and 6 of POCSO Act, 2012. He further submitted that the petitioner and the victim are relatives and the petitioner allegedly compelled her to into a relationship by threatening to commit suicide. It is further alleged that, on 20.02.2022, at about 6.00 a.m the petitioner allegedly called the victim, tied a thali around her neck and committed penetrative sexual assault. Now, the investigation completed and final report filed before the Special Court for Exclusive Trial of Cases under POCSO, Cuddalore District.

5.The petitioner and the victim girl confirmed in the affidavit that the third respondent is agreed to withdraw the complaint lodged against the petitioner in Crime No.30 of 2023. The victim girl confirmed that she is living with the petitioner with happiness along with her child. Hence, by allowing this petition, no prejudice would be caused to the victim girl and her family members.



6. He further submitted that during the pendency of investigation, both the family members of the victim girl and the petitioner entered into a compromise and marriage conducted and now, the victim girl / third respondent is not inclined to further prosecute the petitioner.

7. This Court considered the rival submissions and perused the materials available on record and also the joint compromise memo filed by the victim girl, and the petitioner.

8. It is also apropos to point out that the Supreme Court, in **K.Dhandapani vs. The State [2022 LiveLaw (SC) 477]**, in which the appellant was convicted of the offences under Sections 5 and 6 of the POCSO Act, by a terse order, set aside the conviction and sentence slapped on the appellant, on the basis of the settlement arrived at between the parties. The following relevant paragraphs of the said order make an interesting reading:

“The appellant submitted that this Court should exercise its power under [Article 142](#) of the Constitution and ought to do complete justice and it could not be in the interest of justice to disturb the family life of the appellant and the prosecutrix.

After hearing the matter for some time on 08th March, 2022, we directed the District Judge to record the statement of the prosecutrix about her present status. The statement of the prosecutrix has been placed on record in which she has categorically stated that she has two children and they are being taken care of by the appellant and she is leading a happy married life.

Dr. Joseph Aristotle S., learned counsel appearing for the State, opposed the grant of any relief to the appellant on the ground that the prosecutrix was aged 14 years on the date of the offence and gave birth to the first child when she was 15 years and second child was born when she was 17



years. He argued that the marriage between the appellant and the prosecutrix is not legal. He expressed his apprehension that the said marriage might be only for the purpose of escaping punishment and there is no guarantee that the appellant will take care of the prosecutrix and the children after this Court grants relief to him.

In the peculiar facts and circumstances of this case, we are of the considered view that the conviction and sentence of the appellant who is maternal uncle of the prosecutrix deserves to be set aside in view of the subsequent events that have been brought to the notice of this Court. This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix. We have been informed about the custom in Tamil Nadu of the marriage of a girl with the maternal uncle.

For the aforesaid mentioned reasons, the conviction and sentence of the appellant is set aside in the peculiar facts of the case and shall not be treated as a precedent. The appeal is accordingly, disposed of. Pending application(s), if any, shall stand disposed of.

In case, the appellant does not take proper care of the prosecutrix, she or the State on behalf of the prosecutrix can move this Court for modification of this Order.”

(emphasis supplied by this Court)

9.Today, the petitioner and the victim girl appeared before this Court and their identity is confirmed by M/s.Vanaja, Sub Inspector of Police attached to the 1st respondent Police Station. The victim girl confirmed the compromise arrived with the petitioner and his family and also confirmed the marriage between the victim and the petitioner. The victim girl / third respondent reiterated before this Court that she is not willing to further prosecute the petitioner, otherwise the peaceful life of the victim girl and the baby will be affected.



10.This Court in the case of “***Sabari Vs. Inspector of Police*** reported in ***2019(2) MLJ Crl.110***”, had observed that during the adolescent age, boys and girls got involved in a relationship, such relationship would be the result of mutual innocence and biological attraction, which cannot be construed as an unnatural one or alien to between relationship of opposite sexes.

11.In a similar situation, in the case of “***Kumar @ Tennish Vs. The Inspector of Police, Latheri Police Station, Katpadi Taluk, Vellore and another in Crl.O.P.No.16648 of 2018***”, this Court had quashed the proceedings on the compromise arrived between the accused and defacto complainant.

12.In the light of the above decisions and considering the fact that the continuation of the investigation would affect the peaceful life of the victim girl and the petitioner, this Court is inclined to quash the proceedings against the petitioner in Spl.S.C.No.156 of 2024, which is presently pending on the file of the Sessions Judge, Mahila Court, Cuddalore, Cuddalore District, in Cr.No.30 of 2023 on the file of Inspector of Police, All Women Police Station, Chidambaram, Cuddalore District and, is quashed. This case cannot be quoted against the petitioner, be it education or any future employment.



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13. Accordingly, this Criminal Original Petition is allowed. The joint compromise memo filed by the petitioner shall form part and parcel of this case.

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M.NIRMAL KUMAR, J.

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To

1. State of Tamil Nadu, Inspector of Police,
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Chidambaram,
Cuddalore District.
2. The Extension Officer,
Bhuvanagiri Panchayat Union,
Panchayat Union Office,
Bhuvanagiri,
Cuddalore District.
3. The Public Prosecutor
High Court of Madras.

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