



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

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CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

Crl. O.P. No. 8813 of 2026

Vimalkumar

..Petitioner

Vs

1. The Inspector of Police,
Neiveli All Women Police Station,
Cuddalore District.
(Cr.No.06/2024)

2. Sivasakthi Gnanambal

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the records and quash the further proceedings in Spl.S.C.No.68 of 2024 pending on the file of learned Mahila Court, Cuddalore in the event of Compromise and pass appropriate orders.

For Petitioner:

Mr. P. Muthamizh Selvakumar

For Respondents:

Mr. Leonard Arul Joseph Selvam,
Additional Public Prosecutor
assisted by Ms. T. Harshana for R1

ORDER

The petitioner/accused, who is facing trial in Spl.S.C.No.68 of 2024 for offences Sections 5(I), 5(j)(ii) r/w Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act before the Mahila Court, Cuddalore, has filed this Criminal Original Petition on the ground of compromise.



2. The case of the prosecution is that the petitioner / accused married the 2nd respondent, a minor girl aged about 17 years, on 26.01.2024 at Kalyanakulam Temple, Chidambaram. Based on the complaint received from the Social Welfare Department regarding child marriage, the 1st respondent police registered a case in Crime No.6 of 2024 for offences under Sections 5(I) (ii) and 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act. The investigation has now been completed and a charge sheet has been filed listing 20 witnesses.

3. The learned counsel for the petitioner submitted that the marriage between the petitioner and the 2nd respondent was solemnized on 26.01.2024 and both are living together as husband and wife. During the pendency of the case, the 2nd respondent attained majority and gave birth to a male child on 30.10.2024 at Government Kamarajar Hospital, Chidambaram.

3.1. It was further submitted that the petitioner is taking care of the 2nd respondent and their child. Hence, considering the welfare of the family, the petitioner prays 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 27.06.2006. The victim was examined by the



Doctor. Further the victim given birth to a male baby on 30.10.2024. The 1st respondent Police also enquired and found from the neighbours that they are living as husband and wife happily.

5. This Court has considered the rival submissions and perused the materials available on record, including the affidavits filed by the petitioner and the 2nd respondent as well as the joint compromise memo.

6. Today, the petitioner and the 2nd respondent/victim appeared before this Court, their identities were confirmed by the 1st respondent Police. During interaction, the 2nd respondent/victim informed that she attained majority, both the petitioner and the 2nd respondent/victim are living as husband and wife and they were blessed with a male baby on 30.10.2024. The victim further informed that she is not inclined to proceed with the case and ready to withdraw the case. 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.



7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Special S.C.No.68 of 2024 on the file of the Mahila Court, Cuddalore is hereby quashed against the petitioner.

10-04-2026

Neutral Citation: Yes/No
AT

To:

- 1.The Mahila court, Cuddalore.
- 2.The Inspector of Police,
Neiveli All Women Police Station,
Cuddalore District.
- 3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

AT

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