



WEB COPY



CrI. O.P. No. 8387 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI. O.P. No. 8387 of 2026

and

CrI. M.P. No. 5955 of 2026

S. Azhaguraj

... Petitioner

vs.

1.The State Represented by,
The Inspector of Police,
All Women Police Station – Mangalamedu,
Coimbatore District.
(Crime No.13 of 2025)

2.V. Priyadharshini

... Respondents

Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records culminating
Spl.S.C.No.115 of 2025, on the file of the Sessions Judge, Mahila Court,
Perambalur and quash the same.

For Petitioner : Mr. S. Bharanidharan

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



ORDER

WEB COPY

The petitioner/accused, who is facing trial in Special S.C.No.115 of 2025 for offence under Section 9 of Prohibition of Child Marriage Act and Sections 5(I), 5(j)(ii) r/w Section 6 of Protection of Children from Sexual Offences Act, 2012, before the learned Sessions Judge, Mahila Court, Perambalur, has filed this Criminal Original Petition on the ground of compromise.

2. The case of the prosecution is that the petitioner had approached the victim girl, who was a minor, seeking to marry her. The victim's parents informed the petitioner that she was a minor and refused consent for the marriage. However, as both of them had developed a liking for each other, they fell in love. This came to the knowledge of the victim's parents, who warned her. Fearing that she would be separated from the petitioner, the victim eloped with him. On 15.09.2024, the petitioner tied a thaali to the victim. Thereafter, it is alleged that the petitioner used to visit the victim's house in the absence of others and committed penetrative sexual assault.

2.1. The victim became pregnant and at that time her parents came to know about it. She was taken to the hospital, where it was confirmed that she was pregnant. On that day, she was aged 17 years, 2 months and 6 days.



Hence, based on the information received from the hospital, the police registered a case. The investigation has now been completed and a charge sheet has been filed listing 17 witnesses.

3. The learned counsel for the petitioner submitted that the petitioner and the victim belong to the same village and hail from a similar social and financial background. The petitioner and the victim were in love with each other, which was opposed by the victim's parents. However, the victim was determined to continue her relationship with the petitioner and they had a physical relationship.

3.1. Subsequently, when the victim became pregnant, she went for a medical check-up. Based on the information provided by the Doctor, a case was registered. It is further submitted that the victim and the petitioner are now married and are living as husband and wife. A male child, namely, Agamagilan has been born to them and the victim is now pregnant for the second time. The marriage was solemnized on 15.09.2024. Both sets of parents have consented to the marriage and the petitioner and victim are living happily. Hence, he 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 09.07.2007. The victim was examined by the Doctor. Further the victim was given birth to a male baby on 15.06.2025 and DNA test confirmed that the petitioner is the reason for her pregnancy and birth of a male baby. 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 identity is confirmed by Ms.M. Indirani-SSI, attached to the 1st respondent Police Station. 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 15.06.2025. The victim further informed that she is not inclined to proceed with the case and ready to withdraw the case. The Apex



Crl. O.P. No. 8387 of 2026

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.115 of 2025 on the file of the learned Sessions Judge, Mahila Court, Perambalur is hereby quashed against the petitioner. Consequently, connected miscellaneous petition is closed.

10.04.2026

Neutral Citation: Yes/No
AT

To

- 1.The Sessions Judge, Mahila Court, Perambalur.
- 2.The Inspector of Police,
All Women Police Station – Mangalamedu,
Coimbatore District.
- 3.The Public Prosecutor,
Madras High Court.



WEB COPY



Crl. O.P. No. 8387 of 2026

M.NIRMAL KUMAR, J.

AT

Crl. O.P. No. 8387 of 2026 and
Crl. M.P. No. 5955 of 2026

10.04.2026