



Crl.O.P.No.9623 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.9623 of 2026

1.Nishanth

2.Elumalai

3.Parameswari

4.S.Murugesan

5.Ammu

... Petitioners

vs.

1.State

Represented by the Inspector of Police,
W-7 All Women Police Station,
Anna Nagar, Chennai.

2.M.Karthika

... Respondents

PRAYER: Criminal Original Petition is filed under Section 530 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records in S.C. No.105 of
2025 on the file of the III Additional Sessions Judge, Magalir
Neethimandram, Allikulam, Chennai and quash the same.

For Petitioner :Mr.H.Eashwar

For Respondents : Mr.R.Vinoth Raja,
Government Advocate (Crl.Side) for R1
Mr.A.Praveen for R2



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ORDER

The petitioners/A1 to A5, who are facing trial in S.C. No.105 of 2025 on the file of the III Additional Sessions Judge, Magalir Neethimandram, Allikulam, Chennai, had filed this quash petition.

2. The case of the prosecution is that on 12.02.2024, the petitioners/A1 to A5 jointly planned and conducted the marriage of the victim minor girl, Karthika, aged about 17 years. Based on information received from the Government Kasturba Gandhi Women and Children Hospital, Triplicane, an enquiry was conducted and a case in Crime No. 13 of 2025 was registered for offences under Sections 5(l), 5(j)(ii), 6(1), 9 and 10 of the Child Marriage Restraint Act. The investigation revealed that the fourth and fifth petitioners are the parents of the victim girl, Karthika, who had studied up to 10th standard at Chennai Higher Secondary School, Taramani. Her date of birth is 15.12.2007. The second and third petitioners are the in-laws of the victim girl, and the first petitioner is the husband of the victim. Petitioners 2 to 5 are close relatives. As a result of the marriage, the victim became pregnant. When the victim minor girl, who was nine months



pregnant, visited the hospital for a monthly check-up, the Doctor informed the Investigating Officer. Thereafter, an FIR was registered, and investigation was conducted. After examining witnesses LW1 to LW16 and collecting relevant documents, a charge sheet was filed in this case.

3. The contention of the petitioners is that they belong to the same community and, as per their caste customs, marriages are performed after the girl attains puberty. According to them, the marriage was attended by villagers and close relatives, and a female child was born on 10.04.2025 out of the wedlock. No villager or member of the public lodged any complaint regarding a forcible child marriage. The victim was only a few months short of attaining majority. The victim's parents are uneducated. The victim and the first petitioner/A1 are living as husband and wife, and it is the first petitioner who is taking care of the victim. Even after registration of the case, they continue to live together as husband and wife, and they have also filed affidavits and a Joint Compromise Memo to that effect.

4. The learned Additional Public Prosecutor submitted that the de facto complainant/Investigating Officer received information that the first petitioner had married the victim, who was a minor aged about 17 years. The fourth and fifth petitioners (parents of the victim) and the second and third



petitioners (parents of A1) performed the child marriage at Muthumariyamman Temple on 12.02.2024. The child marriage was confirmed by the statement of LW1 (the victim), who also confirmed her date of birth and the marriage. LW2, the house owner of the first petitioner, confirmed that the victim and the first petitioner were living as husband and wife. LWs 5 and 6 are neighbours, and LWs 7 to 9 are relatives of the first petitioner, all of whom confirmed the marriage. LW10, the Headmistress, issued the school certificate confirming the victim's date of birth as 15.12.2007. LW13 includes a Grade-I Police Constable and a Woman Police Constable who escorted the first petitioner and the victim for a DNA test. LW14 is the Doctor who treated the victim, and LW16 is the Investigating Officer who conducted the investigation and filed the charge sheet.

5.The learned Additional Public Prosecutor fairly submitted that the petitioners and the victim are close relatives and all belong to the same community. The school certificate confirming the victim's date of birth was produced by the Headmistress. He further submitted that the victim was only a few months short of attaining majority. During investigation, it was found that the victim's first child, born on 10.04.2025, was delivered at the



Government Kasturibai Gandhi Women and Children Hospital, Triplicane,
Chennai.

6.Considering the submissions made and upon perusal of the materials, it is not in dispute that the petitioners/A1 to A5 and the victim are closely related. The victim's date of birth is 15.12.2007, as per the school register provided by LW10 (Headmistress). Hence, as per the school records, the victim was only a few months short of attaining majority at the time of marriage. The first petitioner and the victim now have a child, and since their marriage on 12.02.2024, they have been living as husband and wife. The first petitioner is the sole earning member and is taking care of the entire family. The petitioners, along with the victim and a recently born infant, appeared in person before the Court. Upon interaction, both the first petitioner and the victim confirmed that they are living together as husband and wife with their child and are leading a happy matrimonial life.

7.The Hon'ble 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/accused as well as the victim girl. In view of the same, this Court is of the view that



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allowing the first petitioner and the victim girl to lead a happy family life would be the real justice. Both parties filed affidavits and Joint Compromise Memo to that effect.

8. In view of the above, the Criminal Original Petition stands allowed and the criminal proceedings in S.C. No.105 of 2025 pending on the file of the learned III Additional Sessions Judge, Magalir Neethimandram, Allikulam, Chennai is quashed as against the petitioners. The petitioners are discharged from all charges.

9.The affidavits and the Joint Compromise Memo filed by the petitioners and the victim Karthika for compromising the offences shall form part of the records. Consequently, the connected Criminal Miscellaneous Petitions are closed.

17.04.2026

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
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To

- 1.The III Additional Sessions Judge,
Magalir Neethimandram, Allikulam,
Chennai.
- 2.The Inspector of Police,
W-7 All Women Police Station,
Anna Nagar, Chennai.
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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