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CRL OP No.8992 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No.8992 of 2026
and CrI.MP. No.6378 of 2026

Madhankumar

..Petitioner(s)

Vs

1. The State Rep. by
The Inspector of Police,
AWPS-Sathyamangalam Police Station,
Erode District.
(Crime No.16 of 2024)

2. Kalyani. M

..Respondent(s)

PRAYER: The criminal original petition filed under Section 528 BNSS, 2023 to call for the records and quash the Spl.SC. No.181 of 2025 pending on the file of the Mahila Court, Erode District.

For Petitioner(s):

Mrs.S.Vasavi Sridevi

For Respondent(s):

Mr.R.Vinoth Raja

Government Advocate (Crl.Side) for R1



ORDER

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The petitioner, who is facing trial in Spl.S.C.No.181 of 2025 for offence under Sections 5(l), 5(j)(ii) and 6 of Protection of Child from Sexual Offences Act, 2012 (in short 'POCSO Act') and Section 9 of the Prohibition of Child Marriage Act, 2006, had filed this quash petition.

2.The case of the prosecution is that the accused attended the victim girl's house warming ceremony about four years ago, during which he allegedly enticed her by expressing that she was beautiful, professing his love for her, and stating his intention to marry her. Subsequently, the petitioner and the victim were in a relationship for the past three years. On 05.10.2023, the accused took the victim girl to the Bannari Amman Temple at Sathyamangalam, where he tied a thali and thereafter lived with her as husband and wife, during which period she became pregnant. On getting information about the child marriage, the de facto complainant, Village Welfare Officer, Erode District lodged a complaint and after registration of F.I.R., investigation conducted listing LW1 to LW14 and on collection of documents charge sheet filed in this case.



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3.The contention of the petitioner is that the petitioner belonged to same community. The petitioner and the victim girl were in consensual relationship. Both were in love with each other and out of the marriage one female child Thanviksha Sri, born on 28.06.2024. None of the villagers or any public lodged any complaint on forcible child marriage. The victim is few months short to attain majority. The victim's parents are uneducated. The delivery of the victim took place in the house and there is no birth certificate. The date of birth of the victim registered as 21.01.2007 in the school records as per the convenience of the school to ensure that the victim has reached the eligible age. It is nobody's case that there was any forcible child marriage. The victim and the petitioner are living as husband and wife and it is the petitioner, who is taking care of the victim. Even after registration of the case both are living together as husband.

4.The learned Government Advocate (Crl.Side) submitted that the de facto complainant is a Village Welfare Officer, who received information through Childline 1098 about the child marriage involving a minor girl who was 8 months pregnant. The victim is a minor aged about 17 years. The learned Government Advocate fairly submitted that the petitioner and the victim are



close relatives, all belonged to the same community and the date of birth of the victim not collected in this case. The school certificate alone is produced and victim's parents are uneducated. The present Head Master is unable to give any details as to who had given the date of birth of the victim. He further submitted that the victim is few months short of attaining majority. During investigation, it was found that the victim's child born on 28.06.2024.

6.Considering the submissions made and on perusal of the materials, it is not in dispute that the petitioner and the victim are closely related. In this case, the victim's date of birth is 21.01.2007 as per the school register, LW10/Head Master provided the same. The victim was born in the house, which is confirmed by parents of victim, both are illiterates. Hence, as per the school records victim is few months short to attain majority. The first petitioner and the victim now having a female child and after the marriage on 28.06.2024, the petitioner and the victim are living as husband and wife and petitioner is the only earning member and he is taking care of the entire family. The petitioner as well as the victim along with recently born infant appeared before the Court in person. On interaction with them, both the first petitioner and victim girl confirmed that they are living as husband and wife with their child and leading a



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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 allowing the petitioner and the victim girl to lead a happy family life would be the real justice.

8. In view of the above, the Criminal Original Petition stands allowed and the criminal proceedings in Spl.SC. No.181 of 2025 pending on the file of the Mahila Court, Erode District is quashed as against the petitioner. The petitioner is discharged from all charges. Consequently, the connected Criminal Miscellaneous Petition is closed.

17-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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M. NIRMAL KUMAR.J.,

To

1. The Judge, Mahila Court, Erode District. .
2. The Inspector of Police,
AWPS-Sathyamangalam Police Station,
Erode District.
3. The Public Prosecutor
High Court, Madras.

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