



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 11481 of 2026

and

CrL.MP.No.8238 of 2026

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Santhosh S/o. Elango,
No.88, Thiruveethi Amman Koil Street,
Melnaduvangarai, Anna Nagar, Chennai – 40.

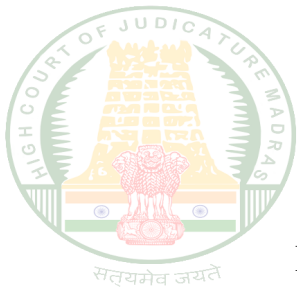
..Petitioner(s)

Vs

1. State rep. by The Inspector of Police
W-7, ALL WOMEN POLICE STATION,
ANNA NAGAR, CHENNAI-40.
Crime No.8 of 2022
2. Meenakshi W/o.Gnanavel,
No.88, Thiruveethi Amman Koil Street,
Menladuvangarai,
Anna Nagar, Chennai - 40.
3. Xxxxx W/o XXXXXXXXX,
No. XXXXXXXX,
Chennai.

..Respondent(s)

PRAYER: The criminal original petition filed under Section 528 of BNSS to call for the records pertaining to the case in Spl.SC.No.2 of 2023 on the file of Sessions Judge Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and quash the same in accordance with law.



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For Petitioner(s): Mr.K.Kannan

For Respondent(s): Mr.R. RAJASEKARAN
GA (CRL. SIDE)
for R1Mr.M. SENTHIL KUMAR
FOR R2**ORDER**

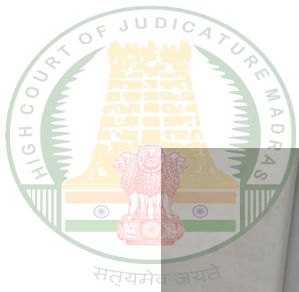
The petitioner/accused, who is facing trial in Special S.C.No.2 of 2023 for offence under Sections 5(j), (ii) of POCSO @ 5(j) r/w 6 of POCSO Act, 2012 before the learned Sessions Judge, Special Court for Exclusive Trial of Cases Under POCSO Act, Chennai, filed this Criminal Original Petition on the ground of compromise.

2.The case against the petitioner is that the petitioner and the 2nd respondent/defacto complainant's daughter got love affair with each other. Since they were minors, the defacto complainant warned them. But they had sexual relationship and thereby, the 2nd respondent's daughter was conceived. The 2nd respondent and her daughter went to KMC Hospital for check up and the duty Doctor informed the same to the first respondent police. Hence, complaint lodged.



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3. The learned counsel for petitioner submitted that the petitioner and the defacto complainant's daughter are fell in love affair with each other. At that time, they were minors. They had sexual relationship and that, the defacto complainant's was conceived and gave birth to a female child namely, S.Dhanyasri on 18.10.2022. The copy of the birth certificate of the female baby produced before this Court. Thereafter, after attaining the age of majority, the petitioner got married with the defacto complainant's daughter on 03.11.2025 at Periyar Ambedkar Self Respect Marriage Centre, Purasawalkam, at Chennai. In respect of the same, the marriage certificate of the petitioner and the defacto complainant's daughter was produced before this Court. They are living happily as husband and wife. Further, the learned counsel submitted that since the petitioner and the defacto complainant's daughter are living happily as husband and wife along with their female child, she is not inclined to proceed the criminal proceedings against the petitioner. In view of the same, they entered into a Joint memo of compromise, which is scanned and reproduced hereunder:



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MEMORANDUM OF CRIMINAL ORIGINAL PETITION
(Under Section 528 OF BNSS Act)
IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal original Jurisdiction)
Crl.O.P.No 11481 of 2026
Crl.O.P.No 14381 of 2024

Against

Spl.S.C. No. 2 of 2023

(On the file of Hon'ble Sessions Judge Special Court for Exclusive Trial of Cases
Under POCSO Act, Chennai)

Santhosh, M/a-22 Years,
S/o.Elango,
No.88,Thiruveethi Amman Koil Street,
Melnaduvangarai, Anna Nagar,
Chennai – 600 040

-Vs-

...Petitioner/Sole Accused

1. State Represented by
The Inspector of Police,
W-7, All Women Police Station,
Anna Nagar, Chennai – 600 040
Crime No. 8 of 2022

....1st Respondent/Complainant

2. Meenakshi, F/a-37,
W/o.Gnanavel,
No.88,Thiruveethi Amman Koil Street,
Melnaduvangarai, Anna Nagar,
Chennai – 600 040.

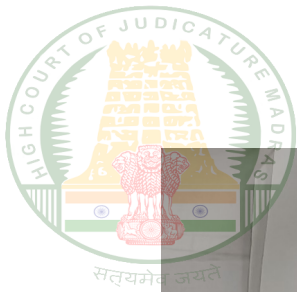
...2nd Respondent/Defacto Complainant

3. xxxxx, F/a-19,
w/o xxxxxxxx,
No: xxxxxxxxxxxx,
~~xxxxxx~~ - ~~xxxx~~
Chennai

... Respondent/Defacto Complainant

JOINT MEMO OF COMPROMISE

1. It is respectfully submit that the 2nd Respondent lodged a complaint against the Petitioner before the 1st Respondent Police, pursuant to which a case in Crime No.8 of 2022 was registered on 15.09.2022 by the Respondent Police for the alleged offences under Sections 5(i)(ii) of POCSO ACT-2012. Subsequently, the 1st Respondent Police altered into offences under section



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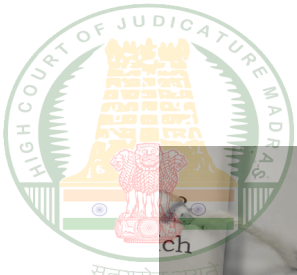
5(i)(ii) of POCSO ACT-2012 @ sections 5(i)(ii) r/w 6 of POCSO ACT-2012. Thereafter 1st Respondent Police filed a charge sheet in the said case, which culminated in Spl.S.C.no. 2 of 2023 on the file of Hon'ble Sessions Judge Special Court for Exclusive Trial of Cases Under POCSO Act, Chennai. The case is at the initial stage and the trial proceedings are yet to commence.

2. It is respectfully submit that the Petitioner and 2nd Respondent/Defacto Complainant's daughter namely one Divya were fell in love affair with each other. At the time they were minors. 2nd Respondent/Defacto Complainant warned them. But they sexual relationship. In the meanwhile 2nd Respondent/Defacto Complainant's daughter Divya was conceived. The 2nd Respondent/Defacto Complainant and her daughter went KMC Hospital, Chennai - 600 010 for check up and the duty doctor has informed that victim is minor. Hence, case has been registered against the petitioner.

3. It is respectfully submit that the 2nd Respondent/Defacto Complainant's daughter namely one Divya bless of female child namely S.Dhanyasri on 18.10.2022 at KMC Hospital, Chennai - 600 010 Now, the baby is 3 years old. Since born the petitioner is takes care of them.

4. It is respectfully submit that the petitioner got married with the 2nd Respondent/Defacto Complainant's daughter namely one Divya, their marriage has been solemnized on 03.11.2025 at PERIYAR AMBEDKAR SELF RESPECT MARRIAGE CENTRE, No.11/14,NARAYANAN STREET, VEPERY (URBAN), PURASAWALKAM, CHENNAI and the same has been registered on 03.11.2025 vide Marriage Serial No. TMR/Periamet/2452/2025 of register of marriage maintained under the Tamilnadu Registration of Marriage Act, 2009 at SRO, Periamet The Petitioner and 2nd Respondent/Defacto Complainant's daughter started matrimonial life at No.88, Thiruveethi Amman Koil Street, Melnaduvangarai, Anna Nagar, Chennai - 600 040. wherein they are living a matrimonial life is happily and smoothly.

5. In view of the said registered marriage, the 2nd Respondent/Defacto Complainant have decided to close the present criminal proceedings, and hence this Petition has been filed seeking to quash the charge sheet on the



basis of this joint memo of compromise between the parties based on living of matrimonial life is smoothly. The 2nd Respondent has also consented for quashing the criminal case in view of the registered marriage between the petitioner and her daughter.

6. It is respectfully submitted that the petitioner, 2nd Respondent/ Defacto Complainant and her daughter have signed this joint memo of compromise out of free will and consent and they are not under any collusion, coercion or threat.

Hence, It is therefore prayed that this Hon'ble court may be pleased to accept this Joint memo of compromise and quash the Charge Sheet in Spl. S.C. No. 2 of 2023 on the file of Hon'ble Sessions Judge Special court for Exclusive Trial of Cases Under POCSO Act, Chennai and quash the same and pass such further or other orders as this Hon'ble court may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai on this the 1 day of APRIL 2026

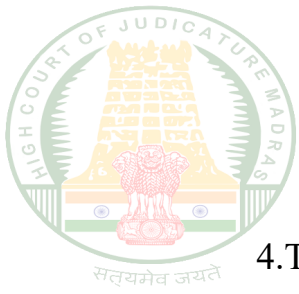
E. Santhosh
Petitioner

G. Lakshmi
2nd Respondent

S. Divya
2nd Respondent's daughter

M. V. S.
Counsel for Petitioner

M. G. S.
Counsel for 2nd Respondent



4.The learned Govt. Advocate (Crl.side) appearing for the 1st respondent Police submitted that in this case, during the relevant period, the defacto complainant's daughter was 15 years old. Now, she attained majority and she gave birth to a female baby on 18.10.2022. Their marriage was registered. They are living as husband and wife happily along with their female child.

5.Considering the submissions and on perusal of the materials, it is seen that the 2nd respondent/defacto complainant lodged a complaint stating that her daughter, who aged about 15 years, and the petitioner were in love relationship and her daughter conceived. At the time of giving birth to a female baby, an information was sent to the first respondent police and registered a case. Now, the defacto complainant's daughter attained majority and marriage was solemnized between the defacto complainant's daughter and the petitioner. They produced the copy of the marriage certificate and the copy of the birth certificate of female baby.

6.Today, the petitioner, the 2nd respondent/defacto complainant and her daughter along with female baby appeared before this Court, their identity is confirmed by Ms.P.Lakshmi, WSSI, W7 AWPS, Annanagar, Chennai.



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7. During interaction, the 2nd respondent/defacto complainant's daughter informed that she attained majority and she is living happily with the petitioner as husband and wife and they were blessed with a female baby on 18.10.2022. The 2nd respondent/defacto complainant informed that she is not inclined to proceed with the case and filed an affidavit to that effect. 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.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Special S.C.No.2 of 2023 pending on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases Under POCSO Act, Chennai, is hereby quashed against the petitioner. Consequently, connected miscellaneous petition is closed.



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9.The affidavit and the Joint memo of Compromise filed by the petitioner and the second respondent/ defacto complainant and her daughter for compromising the offences shall form part of the records.

05-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
sms

To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases
Under POCSO Act, Chennai.
2. The Inspector of Police
W-7, ALL WOMEN POLICE STATION,
ANNA NAGAR, CHENNAI-40.
Crime No.8 of 2022.
- 3.The Public Prosecutor
High Court, Madras.



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CRL OP No. 11481 of 2



M.NIRMAL KUMAR, J.

sms

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Crl.MP.No.8238 of 2026

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