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CRL OP No. 31948 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 31948 of 2025

Poovasaran

..Petitioner(s)

Vs

1. The Inspector of Police
Nagapattinam All Women Police Station
Nagapattinam District.
Cr.No.5/2024

2. xxx

..Respondent(s)

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records and quash the further proceedings in Spl.S.C.No.79 of 2024 pending on the file of the Learned Sessions Judge, Special Court under POCSO Act, Nagapattinam.

For Petitioner(s):

Mr.P.Muthamizhselvakumar

For Respondent(s):

Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side) for R1

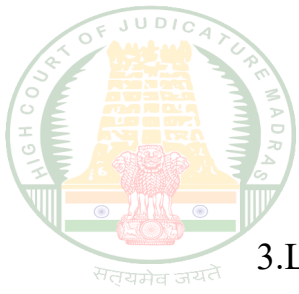


ORDER

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The petitioner/accused, facing trial in Spl.S.C.No.79 of 2024 on the file of the Special Court under POCSO Act, Nagapattinam, for the offences under Sections 6 and 5(1) of Prevention of Children from Sexual Offences (POCSO) Act, 2012 and Section 67-A of Information Technology Act, 2000, has filed the present quash petition.

2.The case of the prosecution is that the petitioner and the victim girl, who was studying 9th Std., were in love affair with each other. When the victim girl was studying 12th Std., the petitioner, on the premise that he has bought a Diwali dress for her, took the victim girl to a lonely place and committed penetrative sexual assault on her. Thereafter, by intimidating the victim girl by showing the videos of the victim girl with him, the petitioner took the victim girl to Greenpark Residency at Velankanni and committed penetrative sexual assault on the victim girl. On the complaint lodged by the victim girl, the 1st respondent Police registered a case in Crime No.5 of 2024. After investigation, a charge sheet was filed as against the petitioner for the offences under Sections 6 and 5(1) of Prevention of Children from Sexual Offences (POCSO) Act, 2012 and Section 67-A of Information Technology Act, 2000, which was taken on file in Spl.S.C.No.79 of 2024 on the file of the Special Court under POCSO Act, Nagapattinam.

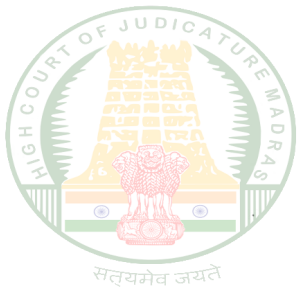


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3.Learned counsel for the petitioner submitted that the parties have now arrived at a compromise and they have amicably settled the issues among themselves. Hence, he prayed for quashing of the proceedings.

4.The learned Government Counsel (Criminal Side) appearing for the 1st respondent Police submitted that the victim girl is now a major and she has now got married to another person. To confirm the same, the Marriage Certificate of the victim girl with another person, is produced before this Court.

5.Today, the petitioner/accused and victim girl have appeared before this Court and they are identified by Mrs.G.Sella, Women Head Constable 1253, AWPS, Nagapattinam. The victim girl submitted before this Court that the statements given by her under Section 164(5) Cr.P.C. making sexual allegations on the petitioner were given only for the purpose of improving the case and she was forced to give such statements. To confirm the same, she has also filed an affidavit to that effect. Further, she states that she got married to another person on 09.07.2025 and she is happily living with him. Hence, she is not willing to prosecute the petitioner any further. The affidavit filed by the victim girl, is scanned and reproduced hereunder :



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IN THE HIGH COURT JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Crl.O.P.No. 31948 of 2025

In

(Spl.S.C. No.79 of 2024)

(On the file Learned Session Judge, Special Court under POCSO Act
Nagapattinam)

Poovasaran M/27
S/o.Nagarajan,
No.2/229, Pambuset Street,
Karainagar, Main Road,
Nagapattinam District.

...Petitioner/Accused.

Vs

1. The Inspector of Police,
Nagapattinam All Women Police Station,
Nagapattinam District.
(Crime No.5/2024)

...1st Respondent/Complainant

2. Kalaiyarasi M/25
D/o. Nagendran,
No.107, A, Karainagar, Thirupoondi West,
Nagapattinam District.

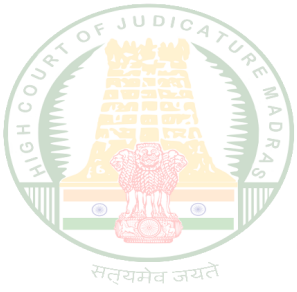
..2nd Respondent/Defacto Complainant

AFFIDAVIT OF KALAIYARASI

I, Kalaiyarasi, D/o. Nagendran, aged about 25 years, female, Hindu,
residing at No.107, A, Karainagar, Thirupoondi West, Nagapattinam District
come down to Chennai do hereby solemnly affirm sincerely state as follows:

1. I am the 2nd Respondent /Defacto complainant herein.
2. I state that, the 1st respondent was in the station duty received written
complaint from the 2nd respondent stating that she was studied in the 9th
standard at the time the petitioner used to come the bus stand for seeing the

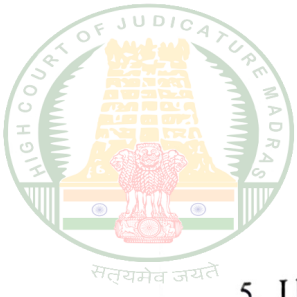
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2nd respondent after some times taking the advantage of the same the 2nd respondent and petitioner used to talk over the phone and maintain the relationship. Further the petitioner taken the advantage of the same to made in appropriate touch over the 2nd respondent. in the course of the relationship on 25.02.2023 the petitioner taken the 2nd respondent to the lodge and made the promise over her, had a cohabitation with her in the name marriage.

3. I state that, after some time the petitioner not used to talk over the 2nd respondent and refused to marry her. Further the petitioner not responding over the phone calls of the 2nd respondent and just avoid the same in which the 2nd respondent lodged the complaint before the 2nd respondent based on the complainant the 1st respondent registered the case in Crime No.05 of 2024 offences under section 376(1), 417 of IPC and proceeded the investigation in the course of investigation the statement was recorded from the 2nd respondent it came to known that the relationship existed from the aged of 15 years therefore the provision has been altered under section 6 r/w 5(i) of POCSO Act r/w 67 of IT Act and pending the same for investigation.
4. I state that, after the investigation the 1st Respondent filed the final report before the Learned Session Judge, special Court under POCSO Act the same was taken on the file of Spl.S.C.No.79 of 2024 pending on the stage of trial.



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5. I here by state that during the period of investigation I was given the 164(5) statement before the Learned Judicial Magistrate NO-II, Nagapattinam on 21.02.2024 in the 164(5) statement. I state some specific allegation against the Petitioner in order to attract the offences comes under POCSO Act that the Petitioner had co-habited with me since I was student in 12th standard and made some promise in the ^{Name} of marriage. Those allegation mentioned in the 164(5) statement for the purpose of compelling the Petitioner to marry me. I believed that this kind of statement had given the pressure to the Petitioner in order to marry me. Otherwise there is no real course of allegation happen. I gave such kind of statement under the instruction of Respondent Police and believed that this statement may prove my true love. I state that the allegation contain in the 164(5) statement dated 21.02.2024 not true I made improved version of the statement.

6. I state that I hereby denied the allegation in 164(5) statement dated 21.02.2024, I declared that this affidavit give by me without 3rd party influence, coercion, on my own interest executed this affidavit.

It is therefore I prayed that this Hon'ble Court may be pleased to record this affidavit in the proceedings of Crl.O.P.No.31948 of 2025 and pass appropriate orders as deem fit under the circumstance of the case and thus render justice.

Solemnly affirmed at Chennai
this the 18th day of June 2026
and signed his name in my presence.

N. K. K.
BEFORE ME

A. V. V. V.
ADVOCATE: CHENNAI
No-31, Madhav Street
Chennai, Chennai-112.



6. The joint memo of compromise filed, dated 07.04.2025, is hereunder :

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IN THE HIGH COURT JUDICATURE AT MADRAS

Crl.O.P.No. 31948 of 2025

In

(Spl.S.C.No.79 of 2024)

(On the file Learned Session Judge, Special Court under
POCSO Act Nagapattinam)

Poovasaran M/27

S/o.Nagarajan,

No.2/229, Pambuset Street,

Karainagar, Main Road,

...Petitioner/Accused.

Nagapattinam District.

Vs

1. The Inspector of Police,

Nagapattinam All Women Police Station,

Nagapattinam District.

(Crime No.5/2024)

...1st Respondent/Complainant

2.Kalaiyarasi F./25

D/o. Nagendran,

No.107, A, Karainagar, Thirupoondi West,

Nagapattinam District. ..2nd Respondent/Defacto Complainant

COMPROMISE MEMO

I, Poovasaran S/o.Nagarajan aged about 27 years, Male, Hindu residing at No.2/229, Pambuset Street, Karainagar, Main Road, Nagapattinam District-602021 herein Petitioner/ Accused.

I, Kalaiyarasi W/o. Nagendran aged about 25 years, Male, Hindu residing at No.107, A, Karainagar, Thirupoondi West, Nagapattinam District-033 herein 2nd respondent/ defacto complainant.

2 N. Poovasaran

2 N. Kalaiyarasi



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3. I state that, the 2nd respondent was in the station duty receive written complaint from the 2nd respondent stating that she was studied in the 9th standard at the time the petitioner used to come the bus stand for seeing the 2nd respondent after some times taking the advantage of the same the 2nd respondent and petitioner used to talk over the phone and maintain the relationship. Further the petitioner taken the advantage of the same to made in appropriate touch over the 2nd respondent. in the course of the relationship on 25.05.2023 the petitioner taken the 2nd respondent to the lodge and made the promise over her, had a cohabitation with her in the name marriage.

4. I state that, after some time the petitioner not used to talk over the 2nd respondent and refused to marry her. Further the petitioner not responding over the phone calls of the 2nd respondent and just avoid the same in which the 2nd respondent lodged the complaint before the 2nd respondent based on the complainant the 1st respondent registered the case in Crime No.05 of 2024 offences under section 376(1), 417 of IPC and proceeded the investigation in the course of investigation the statement was recorded from the 2nd respondent it came to known that the relationship existed from the aged of 15 years therefore the provision has been altered under

N. Poovarasan.

N. Sridhar.



section 6 r/w 5(i) of POCSO Act r/w 67 of IT Act and pending the same for investigation.

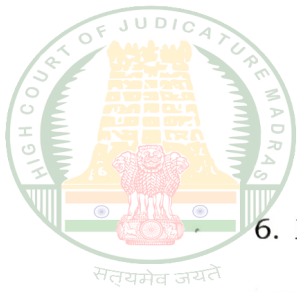
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5. I state that, after the investigation the 1st respondent filed the final report before the Learned Session Judge, Special Court under POCSO Act the same was taken on the file of Spl.S.C.No.79 of 2024 pending on the stage of trial. After the case there was a development between me and the 2nd respondent we decided to perform the marriage after couple of the years. we trying to connivance of the both side family members and parents, further getting the employment. The pendency of the case and trial of the case would be affected the carrier of the both side and nothing to survive if the conviction to the petitioner. considering the both side welfare and future prospects to close the case pending before the Learned Court

5. I state that, the complaint dated 16.02.2024 in Crime No.5 of 2024 is to be withdrawn by the 2nd respondent herein and not continued the same the issue were settled between the petitioners and defacto complainant without any coercion undue influence, no third party interference.

N. Poovarasan.

N. Jey.



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6. I state that the some of the offences in the case are in the nature of compoundable in nature. Therefore we have to file this compromise affidavit before this Hon'ble Court.

It is therefore the petitioners prayed that this Hon'ble court may be pleased to record this affidavit of compromise in Spl.S.C.No.79 of 2024 pending on the file of Learned Session Judge, Special Court under POCSO Act, Nagapattinam and pass appropriate orders as deem fit under the circumstances of the case thus render justice.

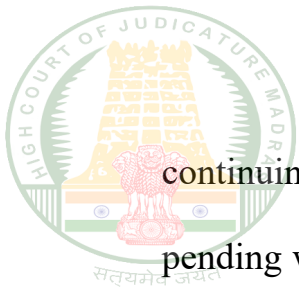
N. Poovarasan
Poovarasan
S/o.Nagarajan

N. Kalaiyarasi
Kalaiyarasi
D/o.Nagendran

Dated at Chennai on this 7th day April-2025

[Signature]
Counsel for Petitioner

7.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 accused as well as the victim. This case involves the future of two young persons and quashing the same will in fact pave way for the accused as well as the victim to settle down in their individual lives and look for better future prospects. No useful purpose will be served in



continuing with the criminal proceedings and keeping these proceedings pending will only swell the mental agony of the accused and the victim girl and their families as well. 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 and is therefore, inclined to quash the same.

8. Accordingly, this Criminal Original Petition is allowed and as a sequel, the case in Spl.S.C.No.79 of 2024 on the file of the Special Court under POCSO Act, Nagapattinam, is hereby quashed against the petitioner.

18-06-2026

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

MKN

To

1. The Sessions Judge,
Special Court under POCSO Act,
Nagapattinam.
2. The Inspector of Police
Nagapattinam All Women Police Station
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR J.

MKN

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