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CRL OP No.9541 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.9541 of 2026
and CrI.MP. No.6762 of 2026

R.Manikandan

..Petitioner(s)

Vs

1.The State Rep. by
The Inspector of Police,
All Women Police Station,
Perambalur.
(Crime No.9 of 2023)

2.Mr.S.Ramu

..Respondent(s)

PRAYER: The criminal original petition filed under Section 528 BNSS, 2023 to call for the records in Spl.S.C. No.66 of 2023 pending on the file of the learned Sessions Judge, Mahila Court, Perambalur and quash the same.

For Petitioner(s): Mr.A.Kripakaran

For Respondent(s): Mr.R.Vinoth Raja,
Government Advocate (Crl.Side) for R1



CRL OP No.9541 of 2026

WEB COPY

ORDER

The petitioner who is facing trial in Spl.S.C. No.66 of 2023 on the file of the Sessions Judge, Mahila Court, Perambalur, had filed this quash petition.

2. The case of the prosecution is that the de facto complainant is a Member of the Child Welfare Committee, Perambalur District. Upon receiving information from one Saraswathy, the complainant came to know that the petitioner had married the victim girl on 27.01.2022 at Keelapuliyur Temple, when the victim was aged about 14 years and 1 month, without the consent of either family. Thereafter, the petitioner and the victim consummated the marriage, and the victim became pregnant and was carrying a pregnancy of about three months. Based on the said information, a complaint was lodged against the petitioner, and an FIR was registered in Crime No. 9 of 2023 for the offences punishable under Section 9 of the Child Marriage Restraint Act, 1929, and Sections 5(i), 5(j)(ii), and 6 of the Protection of Children from Sexual Offences Act, 2012. After examining witnesses L.W.1 to L.W.14 and collecting relevant documents, a charge sheet was filed.



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3. The contention of the petitioner is that the petitioner and the victim were in love with each other. They belong to the same community, and as per their customary practices, marriages are performed after the girl attains puberty. The victim attained majority on 16.12.2025, and thereafter, the petitioner and the victim solemnized their marriage on 28.01.2026. The said marriage was duly registered before the Sub-Registrar, Chettikulam, Perambalur, in Marriage Sl. No. TMR/Chettikulam/7/2026. It is further submitted that a male child was born to them on 31.07.2023. No complaint was lodged by any villager or member of the public regarding any forcible child marriage. The petitioner and the victim are living together as husband and wife, and the petitioner is taking care of the victim. Even after registration of the case, they continue to cohabit, and the victim has also filed an affidavit along with a Compromise Memo to that effect.

4. The learned Government Advocate (Crl. Side) submitted that the de facto complainant, being a Member of the Child Welfare Committee, received information that the petitioner had married the victim, who was a minor aged about 14 years. The marriage was allegedly performed on 27.01.2022 at Keelapuliur Temple. The said child marriage is corroborated by the statement



of L.W.2 (the victim), who confirmed both her date of birth and the marriage.

L.W.3 and L.W.4, who are neighbours, and L.W.5, the mother of the victim, also confirmed the occurrence of the marriage. L.W.6, the Headmaster, issued the school certificate, which establishes the victim's date of birth as 16.12.2007. L.W.9 consists of police personnel who escorted the petitioner and the victim for DNA testing. L.W.10 is the Doctor who examined the victim and confirmed her pregnancy. L.W.14 is the Investigating Officer who conducted the investigation and filed the final report.

5.The learned Government Advocate fairly submitted that the petitioner and the victim are close relatives belonging to the same community. The school certificate issued by the Headmaster confirms the victim's date of birth. It was further revealed during investigation that the child born to the victim on 31.07.2023 was delivered at the Government Hospital, Perambalur. After the victim attained majority, the petitioner and the victim solemnized and registered their marriage on 28.01.2026 before the Sub-Registrar, Chettikulam.

6.Considering the submissions made and upon perusal of the materials available on record, it is not in dispute that the petitioner and the victim are



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closely related. As per the school records produced by L.W.6, the victim's date of birth is 16.12.2007, and thus, she was a minor at the time of the alleged marriage on 27.01.2022. It is also seen that the petitioner and the victim have a child born out of their relationship, and they have been living together as husband and wife since 27.01.2022. The petitioner is stated to be the sole earning member and is taking care of the family. The petitioner, along with the victim and their child, appeared before this Court. Upon interaction, both the petitioner and the victim confirmed that they are living together as husband and wife and are leading a peaceful 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 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.



CRL OP No.9541 of 2026

M. NIRMAL KUMAR

WEB COPY

8. In view of the above, the Criminal Original Petition stands allowed and the criminal proceedings in Spl.S.C. No.66 of 2023 on the file of the learned Sessions Judge, Mahila Court, Perambalur is quashed as against the petitioner. The petitioner is discharged from all charges.

9. The affidavit and the Compromise Memo filed by the Victim Sneka for compromising the offences shall form part of the records. Consequently, the connected Criminal Miscellaneous Petition is closed.

17-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

rkp

To

1. The Sessions Judge,
Mahila Court, Perambalur.

2. The Inspector of Police,
All Women Police Station,
Perambalur.

3. The Public Prosecutor
High Court, Madras.

CRL OP No.9541 of 2026
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Page 6 of 6