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CRL OP No.9703 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.9703 of 2026

- 1.Manivel
- 2.Murugesan
- 3.Pazhaniyammal
- 4.Balu
- 5.Sathiya
- 6.Balaji

..Petitioner(s)

Vs

- 1.The State Rep. by
The Inspector of Police,
Avinankudi Police Station,
Cuddalore District.
(Crime No.94 of 2024)
- 2.Vijaya
- 3.Sathiyapriya

..Respondent(s)

PRAYER: The criminal original petition filed under Section 528 BNSS, 2023 to call for the records relating to Spl.S.C. No.99 of 2025 on the file of the learned Special Court for Exclusive Trial of Cases under the POCSO Act, Cuddalore, quash the same.

For Petitioner(s): Mr.K.Kannan

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



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ORDER

The petitioners/A1 to A6, who are facing trial in Spl.S.C. No.99 of 2025 on the file of the Special Court for exclusive trial of cases under POCSO Act, Cuddalore, had filed this quash petition.

2. The case of the prosecution is that on 21.04.2024, between 6:00 a.m. and 7:30 a.m., at Avingudi Shiva Temple, the petitioners jointly conspired and conducted the marriage of the victim minor girl, Sathiyapriya, who was aged about 17 years at the time. Based on information received from the Social Welfare Department, an inquiry was initiated, leading to the registration of a case in Crime No. 94 of 2024 for offences under Sections 9, 10, and 11 of the Prohibition of Child Marriage Act, 2006, and Sections 5(l), 5(j)(ii), 6, 5(n), and 17 of the Protection of Children from Sexual Offences Act, 2012, read with Section 344 of the Indian Penal Code. During the course of investigation, it was revealed that petitioners 4 and 5 are the parents of the victim girl, Sathiyapriya, who had studied up to the 12th standard at NLC Higher Secondary School, Mandharakuppam, Neyveli-2, in Cuddalore District. Her date of birth is 01.01.2007. Petitioners 2 and 3 are her grandfather and grandmother respectively, while the first petitioner is her husband. Petitioners 2 to 5 are close



relatives, and the sixth petitioner is the owner of the marriage hall where the marriage was allegedly conducted. Subsequently, due to ill health, the victim visited the Government Hospital at Tittakudi, where, upon medical examination, it was confirmed that she was approximately four months pregnant. Based on these findings, the complaint was registered against the petitioners. An FIR was thereafter lodged and after examining witnesses LW1 to LW18 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 male child was born on 17.01.2025 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.



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4. The learned Government Advocate (Crl.Side) submitted that the de facto complainant/Welfare Officer, Nallur Panchayat Union 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 Avingudi Shiva Temple on 21.04.2024. The child marriage was confirmed by the statement of LW2 (the victim), who also confirmed her date of birth and the marriage. L.W.3 to L.W.5 are neighbours, all of whom confirmed the marriage. LW10, the Headmistress, issued the school certificate confirming the victim's date of birth as 01.01.2007. LW14 includes a Grade-I Police Constable and a Woman Police Constable who escorted the first petitioner and the victim for a DNA test. LW11 is the Doctor who treated the victim, and LW18 is the Investigating Officer who conducted the investigation and filed the charge sheet.

5.The learned Government Advocate 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 child, born on 17.01.2025, was delivered at the Government Hospital, Vridhachalam.

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 01.01.2007, 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 21.04.2024, 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



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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.

8. In view of the above, the Criminal Original Petition stands allowed and the criminal proceedings in Spl.S.C. No.99 of 2025 pending on the file of the learned Special Judge, Special Court for exclusive trial of cases under POCSO Act, Cuddalore 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 Sathiyapriya 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/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Judge, Special Court for Exclusive Trial of
Cases under the POCSO Act, Cuddalore.

2. The Inspector of Police,
Avinankudi Police Station,
Cuddalore District.

3. The Public Prosecutor
High Court, Madras.



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