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Crl.O.P.No.10537 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.04.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.10537 of 2026

- 1.Vijiyakumar
- 2.Durga
- 3.Valarmathi
- 4.Surya
- 5.Raj
- 6.Dhanlakshmi

... Petitioners

Vs.

- 1.The State rep. by
The Inspector of Police,
Gummidipoondi Police Station,
Thiruvallur District.
(Crime No.118/2025)

- 2.Monika

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of charge sheet Spl.S.C.No.233 of 2025 on the file of Hon'ble Sessions Judge, Special Court for the exclusive trial of cases under POCSO Act, Thiruvallur now transferred to Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Thiruvallur and to quash the same.



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For Petitioners : Mr.M.Arun

For R1 : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

The petitioners/accused in Spl.S.C.No.233 of 2025 filed this quash petition.

2.The prosecution case is that the victim is aged about 17 years born on 19.12.2007 living with her mother in Kattupakkam, Chennai. Her father passed away years before. The victim came in contact with one Surya/A1 through Instagram and developed love relationship between them, which came to the knowledge of her mother and hence, she made arrangement for the marriage of the victim with one Vijiyakumar/A2 on 16.06.2025. The victim girl called Surya/A1 on 15.05.2025 to take her away from home since she was not interested in the marriage. Following the same, Surya/A1 took the victim girl to his house where victim stayed for the night, at that time, he hugged and kissed her and further committed penetrative sexual assault. On 16.05.2025, the parents of Surya, namely, Raj/A5 and Dhanalakshmi/A6 came home and questioned the victim and found that she had not attained



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majority and advised victim to return to her house. On the complaint of victim's mother Durga/A3, Police came there and secured the victim girl.

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The victim girl was enquired, sent for medical examination and produced before Magistrate. On completion of investigation, charge sheet filed against six persons listing witnesses LW1 to LW24 and documents. At this stage, the victim came forward to compromise the issue, she attained majority and continues to live with her husband Vijiyakumar/A2. Now the victim is pregnant and the Mother and Child Protection Card with RCH ID No.133011722991 issued by the Government of Tamil Nadu is produced.

3.The contention of the learned counsel for the petitioner is that in this case A3 is the mother of the victim, finding that her daughter was found missing on 15.05.2025 lodged a complaint to the respondent police and a case registered in Crime No.118 of 2025 for girl missing. The victim was found in the house of the fourth petitioner/A1 along with parents of A1. Thereafter, she was brought to the Police Station, sent for medical examination and her 164 statement recorded on 02.07.2025. In her statement she disclosed the fact that she came in contact with A1 through Instagram and on her own she went along with Surya/A1 to his house on 15.05.2025 where she stayed for a night along with Surya's parents, brother

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and grandmother, on the next day Police came and secured her and there is

no mention about any penetrative sexual assault by A1 on the night of 15.05.2025. In her 161 statement recorded on 03.07.2025, the victim disclosed further fact that A3/mother of the victim fixed marriage for the victim with A2 on 16.06.2025, the marriage was scheduled to held at Muthuvalli Paradise Marriage Hall and invitations were distributed, initially she was not interested in the marriage and hence, she called Surya/A1 and she voluntarily went along with him. In that statement, it is recorded on 15.05.2025 A1 committed penetrative sexual assault. After the marriage of victim with A2 on 16.06.2025, A2 had physical relationship with the victim. Thereafter, the victim's further statement recorded on 17.05.2025 and 27.06.2025. In the further statements, she does not state anything about penetrative sexual assault committed by A1 on 15.05.2025 and on the next day, parents of Surya insisting the victim to be sent back. In another statement on 27.06.2025, the victim again states about the incident happened on 15.05.2025, thus she has been in oscillation and taking prevaricating stand at each stage. He further submitted that as per the earlier arrangement, marriage between the victim girl and first petitioner/A2 held on 16.06.2025 at Muthuvalli Paradise Marriage hall which was attended by the relatives, friends and family members. Now the victim attained majority and she is



interested to continue her matrimonial life with first petitioner Vijiyakumar.

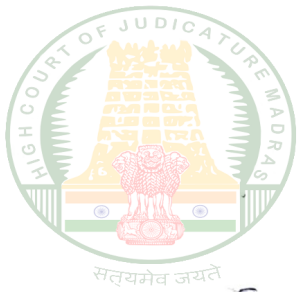
This being so, arraying the victim's mother, her husband, her former acquaintance A1 and his parents as accused in this case is not proper. Hence, prayed for setting aside the case.

4.The learned Additional Public Prosecutor submitted that in this case the mother of the victim/A3 lodged a complaint stating that her daughter was found missing, LW22 received the complaint and FIR registered in Crime No.118 of 2025 for girl missing. Thereafter search conducted, victim was located and she was brought to the Police Station. The victim was produced before LW10 and LW11 for medical examination. A1 was produced before LW12 and LW13 for medical examination. Thereafter, the victim was produced before the Magistrate, her 164 statement recorded on 02.07.2025, A2 was arrested and produced for medical examination before LW14 and LW15. The School certificate of the victim was collected from LW17 and on completion of investigation, charge sheet filed in this case listing LW1 to LW24 and documents. He fairly submitted that in this case the victim not stated anything against A1 and his parents in her earliest statement. Now the victim attained majority, she married A2, both are living as husband and wife and now the victim is pregnant.



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5.Considering the submissions made and on perusal of the materials, it is seen that initially on the complaint of second petitioner/A3/mother of the victim, case registered in Crime No.118 of 2025 for girl missing. The victim came in contact with A1/Surya through Instagram and they developed love relationship. On coming to know about the same, the mother of the victim/A3 arranged marriage for her daughter, the victim with A2/Vijiyakumar. Since the victim was not interested in the marriage, she called A1 and went along with him to his house on 15.05.2025 where she stayed for a night. Thereafter, the Police secured the girl from A1's house. In her earliest statement, victim not stated anything against A1 and in her further statement, she had stated that on the night of 15.05.2025, A1 committed penetrative sexual assault. She further state that she got married to A2 on 16.06.2025 and had physical relationship. Now the victim attained majority, both victim and A2 living happily as husband and wife, the victim is now pregnant. Further, compromise arrived at between the parties and a joint compromise memo filed to that effect. A scanned reproduction of the joint compromise memo and the Mother and Child Protection card issued by the Government of Tamil Nadu confirming her pregnancy is as follows:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Side Jurisdiction)

CrI.O.P.No. 10537 of 2026

In

SPL.SC No. 233 of 2025

(On the file of Sessions Judge, Special Court for the exclusive trial of cases under POCSO Act Cases, Thiruvallore)

1. Vijiyakumar, M/29
S/o Velu
Angalamman Kovil Street,
Polachamman Kulam Village,
Thirpalaivanam,
Ponneri, Thiruvallur.

...1st Petitioners/2nd accused

2. Durga, F/34,
W/o Balaji,
No.132, Mannadi Street,
Thambureddy Palayam,
Gummidipoondi,
Thiruvallur.

...2nd Petitioner/3rd accused

3. Valarmathi, F/43,
W/o Velu
Angalamman Kovil Street,
Polachamman Kulam Village,
Thirpalaivanam,
Ponneri, Thiruvallur.

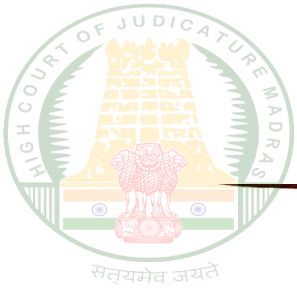
...3rd Petitioners/4th accused

4. Surya, M/25
S/o. Raj
No.1/360, Stalin Nagar,
5th Street, Kattupakkam,
Chennai-600 056.

...4th petitioner/1st accused

5. Raj, M/55,
S/o Loganathan,
No.1/360, Stalin Nagar,
5th Street, Kattupakkam,
Chennai-600 056.

...5th Petitioners/5th accused



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6.Dhanalakshmi, F/43,
W/o Raj,
No.1/360, Stalin Nagar,
5th Street, Kattupakkam,
Chennai-600 056.

...6th Petitioners/6th Accused

-Vs-

1. The state rep by
The Inspector Of Police,
Gummidipoondi Police Station,
Thiruvallur District.
(Crime No:118/2025).

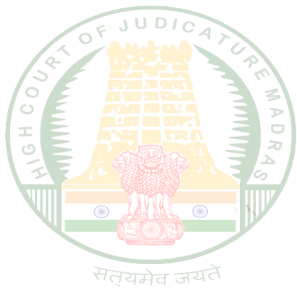
... Respondent/Prosecuting Complainant

2. Monika
W/o of Vijayakumar,
Angalamman Kovil Street,
Polachamman Kulam Village,
Thirpalaivanam,
Ponneri, Thiruvallur

...Respondent/ Victim

JOINT MEMO OF COMPROMISE

1. It is submitted that the petitioner's arrayed as accused and the alleged Victim connection to the prosecution case registered in Crime No.118/2025 and culminated in to charge sheet in Spl.S.C.No.233 of 2025 pending on the file of Hon'ble Sessions Judge, Special Court for the exclusive trial of cases under POCSO Act Cases, Thiruvallur have amicably resolved the issue by filing the joint compromise memo. The 1st Petitioner and the alleged Victim got married on 16.06.2025. Therefore, it is needles on the part of the 1st respondent police to proceed the criminal case further in view of the compromise made between the parties.



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2. The petitioners and the alleged victim decided to resolve the issue by arriving compromise. All of them have put their signature with conscious and without any compulsion in order to quash the charge sheet against the petitioners in Spl.S.C.NO.233 of 2025.

3. The 1st petitioner and the alleged victim have got married and they are happily leading family life. Therefore, if the criminal case is continued to be go on, serious prejudice would be caused to the petitioner and their family.

For the above stated reasons, it is therefore prayed that this Hon'ble Court may be pleased to consider the Joint compromise memo and to quash the charge sheet against the petitioner in Spl.S.C.No 233 of 2025 pending on the file of Hon'ble Special Court for Exclusive Trail of Cases under POCSO Act, Thiruvallur and thus render justice.

Dated at Chennai on this the 01st day of Apr 2025.

1. *[Signature]*
2. *[Signature]*
3. *[Signature]*
4. *[Signature]*
5. *L. Raj*
6. *R. [Signature]*

V. Monika
(2nd Respondent)

[Signature] 851/18
Counsel for
Petitioners 1 to 6

R. Jay
COUNSEL FOR PETITIONER



Teenage Pregnancy
பொது சுகாதாரம் மற்றும்
நோய் தடுப்பு மருந்துத் துறை
தமிழ்நாடு

RCH ID	1	3	3	0	1	1	7	2	2	9	9	1	+
தாயின் பெயர்	லோனினா . 184												
கணவர் பெயர்	அதயக்டுமார் . 304												
சிக்கலான கர்ப்பமா	ஆம் ☒ இல்லை ☐												
சிக்கலின் விவரம்	Teenage Pregnancy												
இரத்த வகை	A+ positive												
Obstetrics Score	G	1	P	-	L	-	A	-					

A2

தாய் சேய் நல
பாதுகாப்பு அட்டை
MCP CARD





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6.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.

7.In view of the above, the Criminal Original Petition stands allowed and as a sequel, the case in Spl.S.C.No.233 of 2025 on the file of learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Thiruvallur is quashed against the petitioners and they are discharged from all charges.

24.04.2026

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



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To

- 1.The Inspector of Police,
Gummidipoondi Police Station,
Thiruvallur District.
- 2.The Sessions Judge,
Magalir Neethimandram
(Fast Track Mahila Court),
Thiruvallur.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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