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CRL OP No. 15228 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. 15228 of 2026

1. Arunkumar
2. Arumugam
3. Anjali
4. Ilayapallavan
5. Jayanthi

..Petitioner(s)

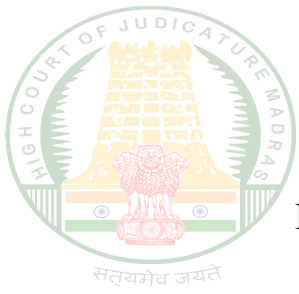
Vs

1. State rep. by
Inspector of Police,
AWPS - Cheyyar,
Tiruvannamalai District.
Cr.No.36 of 2025.

2. xxxxxx

..Respondent(s)

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records relating to Special SC.No.49 of 2026 pending on the file of Session Judge, Magalir Neethi Mandram, Tiruvannamalai in connection with Cr.No.36 of 2025 on the file of the 1st respondent police and quash the same.



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For Petitioner(s):

Mr.V.R.Appaswamee

For Respondent(s):

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

Mr.G.Sai Narayana Vasan for R2

ORDER

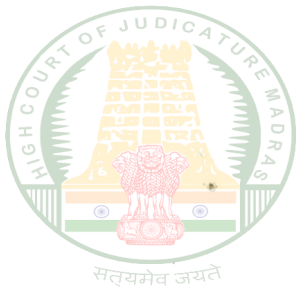
The petitioners/accused, facing trial in Spl.S.C.No.49 of 2026 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai, for the offences under Sections 5(n), 5(l), 5(j)(ii), 6(1) & 17 of Prevention of Children from Sexual Offences (POCSO) Act, 2012, Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, Sections 64(2)(m) and 64(2)(f) of BNS, have filed the present quash petition.

2.The case of the prosecution is that the 1st petitioner is the uncle of the victim girl. The petitioners 2 and 3 are the parents of the 1st petitioner. The petitioners 4 and 5 are the parents of the victim girl. On 08.11.2024, the petitioners 1 to 5 took the victim girl, aged about 17 years at the time of occurrence, to the Temple and the 1st petitioner tied a thali around the neck of the victim girl and married her. In continuance thereto, on the same day, the victim girl was taken to the house of the 1st petitioner, wherein, the 1st petitioner committed penetrative sexual assault on the victim girl. Even thereafter, the 1st



petitioner committed penetrative sexual assault on the victim girl on various occasions, which led to the pregnancy of the victim girl. Hence, the 1st respondent registered a case as against the petitioners 1 to 5 in Crime No.36 of 2025. After investigation, the Police filed a final report as against the petitioners for the offences under Sections 5(n), 5(l), 5(j)(ii), 6(1) & 17 of Prevention of Children from Sexual Offences (POCSO) Act, 2012, Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, Sections 64(2)(m) and 64(2)(f) of BNS, which was taken on file in Spl.S.C.No.49 of 2026 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai.

3.Now, the case is at the stage of trial. During the pendency of the criminal proceedings, the parties have arrived at an amicable settlement, considering their peaceful matrimonial life and future prospects. The 2nd respondent / victim girl has agreed to withdraw the case pending in Spl.S.C.No.49 of 2026. It is submitted that the 1st petitioner and the victim girl are living together as husband and wife and they are blessed with a male child on 15.09.2025. Therefore, the petitioner/accused has filed the present quash petition accompanied with a joint memo of compromise filed by the petitioners and the 2nd respondent / *de facto* complainant. The joint memo of compromise is scanned and reproduced hereunder :



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CRL OP No. 15228 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Original Jurisdiction)

Crl.O.P No. 15 228 of 2026

against

Special S.C.No. 49 of 2026

(On the file of Session Judge, Magalir Neethi Mandram, Tiruvannamalai)

- 1). **Arunkumar**, S/o.Arumugam,
Aged about 26 years,
- 2). **Arumugam**, S/o. Parasuraman @ Dhakshanamoorthy,
Aged about 57 years,
- 3). **Mrs.Anjali**, W/o.Arumugam
Aged about 53 years,
- 4). **Ilayapallavan**, S/o.Mani,
Aged about 44 years,
- 5). **Mrs.Jayanthi**, W/o. Ilayapallavan,
Aged about 42 years,

All are residing at
Vembakkam Village,
Vembakkam Taluk,
Tiruvannamalai District

.....Petitioners / Accused (A1 to A5)

-Vs-

- 1). **State rep. by**
Inspector of Police,
AWPS – Cheyyar,
Tiruvannamalai District.
(Crime No. 36 of 2025)

A. Shashi

.....1st Respondent / Complainant

A. Anur Kumar
P. Anur Kumar
M. Anur Kumar
M. Anur Kumar
M. Anur Kumar



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--- 2 ---

2). XXXXX, F/ 19 Years,
W/o. XXXX,
XXXXX,
XXXXX,
XXXXX,
Tiruvannamalai District.

.....2nd Respondent / Defacto -Complainant

**JOINT MEMO OF COMPROMISE FILED BY THE PETITIONERS,
DEFACTO COMPLAINANT (VICTIM GIRL)**

The parties above named state as follows:-

1). It is humbly submitted that they have been falsely implicated in a case in Crime No. 36 of 2025 on the file of the 1st Respondent Police for the alleged offences punishable under Sections 5(n), 5(l), 5(j)(ii), 6(1) and 17 of the POCSO Act and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Sections 64(2)(m) and 64(2)(f) of the BNS, 2023. Subsequently, the 1st Respondent Police filed a final report, which was taken on file as Special S.C. No. 49 of 2026 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act, Thiruvannamalai District. Thereafter, by order dated 02.02.2026, the case was made over and transferred to the Court of Sessions Judge, Magalir Neethi Mandram, Tiruvannamalai.

2). It is humbly submitted that the case of the prosecution is that on 18.05.2025, the 1st Respondent Police received information from the Government Hospital, Cheyyar, stating that a victim girl aged about 17 years had come to the hospital and upon examination, was found to be

* A. Dharshini

* A. Anuradha
* P. S. S. S. S.
* S. S. S. S. S.
* S. S. S. S. S.
* S. S. S. S. S.
* S. S. S. S. S.



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approximately two weeks pregnant. It is further alleged that, upon enquiry, the 1st Respondent Police came to know that the 1st Petitioner had married the victim girl on 08.11.2024 and thereafter they started residing at matrimonial house. Subsequently, the victim girl became pregnant and was taken for a medical check-up at the Government Hospital, Cheyyar. Based on the said information, the 1st Respondent Police registered a case in Crime No. 36 of 2025 against the Petitioners herein. The Petitioners further submit that the 1st Petitioner is the husband of the De-facto complainant, the 2nd and 3rd Petitioners are uncle and aunt of the De-facto complainant, the 4th Petitioner is the father of the De-facto complainant and the 5th Petitioner is the mother of the De-facto complainant.

3). It is humbly submitted that the true facts of the case are that the 1st Petitioner and the victim girl are close relatives who were in a consensual love relationship and they subsequently solemnized their marriage at a temple. The Petitioners further submit that, when the victim girl went for a medical check-up at Government Hospital, Cheyyar, they came to know, upon examination, that she was pregnant, following which a complaint was lodged against the Petitioners and an FIR came to be registered. It is further submitted that, after the victim girl attained majority, both families accepted their relationship and solemnized their marriage. The 1st Petitioner and his wife are now living together peacefully in their matrimonial home and, out of the said wedlock, they have been blessed with a child, namely Kavin.A, for whom a Birth Certificate bearing No. B-2025:33-16010-003575 dated 14.02.2025 has been issued by Government of Tamil Nadu.

* A. Dharsini

* A. Arun Kumar
* P. J. S. S. S.
* M. S. S. S. S.
* I. S. S. S. S.
* I. S. S. S. S.



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5). It is humbly submitted that, during the pendency of the trial in Special S.C. No. 49 of 2026 pending on the file of Session Judge, Magalir Neethi Mandram, Tiruvannamalai in connection with Crime No. 36 of 2025 on the file of the 1st Respondent Police, the parties have arrived at an amicable settlement, considering their peaceful matrimonial life and future prospects. The 2nd Respondent, namely the alleged victim girl, has agreed to withdraw the case pending in Special S.C. No. 49 of 2026.

6). It is humbly submitted that, in terms of the said amicable settlement, the 2nd Respondent has agreed to join the Petitioners in seeking quashing of the proceedings in Special S.C. No. 49 of 2026 pending on the file of Session Judge, Magalir Neethi Mandram, Tiruvannamalai. It is further submitted that the entire matter has been amicably settled between the parties. The 2nd Respondent, out of her own free will and without any coercion, has agreed to withdraw the complaint in the above case. It is therefore submitted that continuation of the proceedings would amount to an abuse of process of law and by quashing the same, no prejudice would be caused to any of the parties.

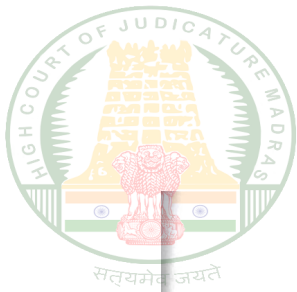
* A. Tharsh

* A. Azwan Kibria

* P அச்சுறுத்தல்
* அஞ்சலி

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Therefore, the Petitioners and the 2nd Respondent herein humbly pray that this Hon'ble Court may be pleased to call for the records relating to Special S.C. No. 49 of 2026 pending on the file of Session Judge, Magalir Neethi Mandram, Tiruvannamalai in connection with Crime No. 36 of 2025 on the file of the 1st Respondent Police and quash the same and pass such further or other orders as this Hon'ble Court may deem fit and thus render justice.

Dated at Chennai on this the 28TH day of May, 2026.

* A. Ghosh

2nd Respondent
(Victim Girl)

G. Srinivas

Counsel for 2nd Respondent

* A. Prasad Kumar

* P. Srinivas

* M. Srinivas

M. Srinivas
Petitioners

A. Prasad Kumar

Counsel for Petitioners

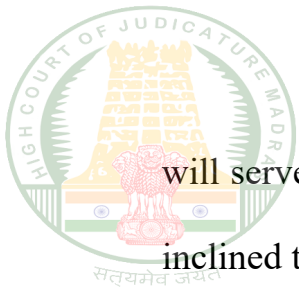
4. Learned Government Counsel (Criminal Side) appearing for the 1st respondent Police submitted that the victim girl has now attained majority and on enquiry, it was found that the 1st petitioner and the victim girl are now



happily living as husband and wife and they are blessed with a male child on 15.09.2025. To confirm the same, the Birth Certificate of the child is produced before this Court.

5.Today, the petitioners (A1 to A5) and the 2nd respondent / victim girl appeared before this Court and they are identified by Mrs.S.Gayathri, Women Police Constable 900 Grade-II, AWPS, Cheyyar. The 1st petitioner and the victim girl appeared along with the male child born to them. In support of the joint memo of compromise, the *de facto* complainant reiterated that she is not willing to prosecute the petitioners any further with a view to lead a peaceful life.

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 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 life 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.

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7. Accordingly, this Criminal Original Petition is allowed and as a sequel, the case in Spl.S.C.No.49 of 2026 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai, is hereby quashed against the petitioners.

18-06-2026

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

MKN

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Thiruvannamalai.
2. The Inspector of Police,
AWPS - Cheyyar,
Tiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR J.

MKN

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