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CRL OP No. 16114 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 16114 of 2026

K.Sathyaseelan

..Petitioner(s)

Vs

1.State rep.by
Inspector of Police,
Nagapattinam All women Police Station,
Nagapattinam-611001.
Cr.No.31 of 2023.
2.P.Sumitha

..Respondent(s)

To call for the records in Spl.SC.No.10 of 2024 pending before the learned Sessions Judge, Special court under POCSO Act at Nagapattinam, and quash the same.

For Petitioner(s): Mr.Kumar Pichandi

For Respondent(s): Mr.R.Rajasekaran, G.A.(Crl. Side), for R1

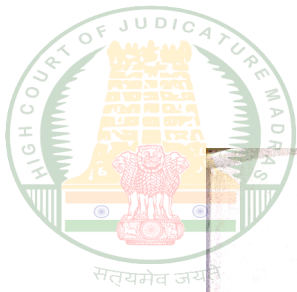
ORDER

The petitioner/accused, who is facing trial in Spl.SC.No.10 of 2024 before the learned Sessions Judge, Special court under POCSO Act at Nagapattinam, has filed this Criminal Original Petition.



2. The case of the prosecution is that the second respondent/de facto complainant, who was a minor, had love affair with the petitioner and they also had physical relationship. As a result, the second respondent/de facto complainant conceived and the same was confirmed at the Government Medical College and Hospital, Naagapattinam. Thereafter, based on complaint of the second respondent/de facto complainant, an FIR was registered. Upon completion of the investigation, a final report was filed and the same has been taken on file in Spl.SC.No.10 of 2024.

3. The learned counsel for the petitioner submitted that the petitioner and the victim girl were in a love relationship. Though the victim was a minor at the time of the occurrence, now she attained majority. It is further submitted that they are now living together as husband and wife and leading the matrimonial life happily and peacefully. Out of their wedlock, they are blessed with a girl child. Therefore the second respondent/de facto complainant is not inclined to proceed the criminal proceedings against the petitioner and prays for quashing of the criminal proceedings. In respect of the same, they filed a Joint Compromise Memo, which is scanned and reproduced hereunder:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Crl. O.P. No. 16114 of 2026

in

SPL. S.C. No. 10 of 2024

(Pending Before the Learned Sessions Judge, Special Court
under POCSO Act At Nagapattinam)

In

Crime No. 31 of 2023

(On the file of the Inspector of police, All Women police station,
Nagapattinam - 611 001.)

K. Sathyaseelan, M/A - 23Yrs,
S/o. Kuppusamy,
No.335, Kovilpathu, Kodiyalathur,
Nagapattinam,
Tamil Nadu- 610 207.

...Petitioner /Accused

Vs

State Rep. by Inspector of police,
Nagapattinam All Women Police Station
Nagapattinam - 611 001.
(Crime No. 31 of 2023).

... 1st Respondent/Complainant

P. Susmitha, F/A-19 Years.
D/o. Periyasamy,
W/o. Sathiyaseelan,
No. 3/37, Koomur, Keerambar,
Nagapattinam, Tamil Nadu- 610 207.

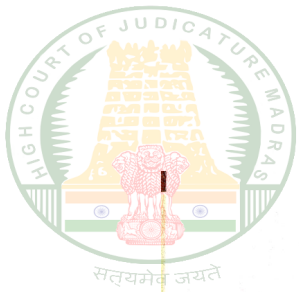
...2ndRespondent
/ De-facto Complainant

JOINT COMPROMISE MEMO

1. The Memo for Joint Compromise is filed by the petitioner along with the De-facto complainant.
2. The petitioner is residing in the above said address and his AADHAR Number is 5572 6325 0593.

K. Sathyaseelan

S. Susmitha



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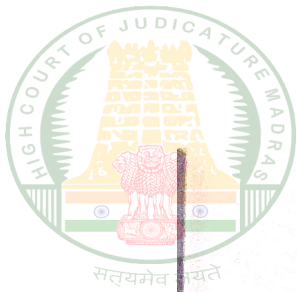


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3. The de-facto complainant currently residing at above said Petitioner house, with the Petitioner/Accused along with their Child and **her AADHAR Number is 7098 6217 0146.**
4. It is respectfully submit that the petitioner had love affair with the 2nd Respondent/ De-facto Complainant herein, during their love affair they had physical relationship in the petitioners house, and their relationship were found and warned by the 2nd respondent's Parents, but they were continued to be lovers and also had a physical relationship for a 1 or 2 times. So, the 2nd respondent / De-facto complainant become conceived and the same was found in Government Hospital Thirukuvalai on 31-10-2023 and they sent the 2nd respondent / De-facto complainant to the Government Medical College and Hospital, Nagapattinam for Confirmation and the same was confirmed by them.
5. It is further respectfully submit that the 2nd respondent / De-facto complainant being a minor, she had a situation to give a false complaint against the Petitioner/Accused before the 1st respondent police on 31-10-2023 and the same was taken in to consideration and registered a case against him for the alleged offence U/s. 6, 5(I), 5 (j) (ii) of POCSO Act - 2012 in Crime No.31 of 2023.
6. It is respectfully submit that the 2nd respondent / De-facto complainant being a minor girl, their parents are spoken among themselves and planned for their marriage after attaining her majority, meanwhile the 2nd respondent / De-facto complainant gave a birth to Female Child Hemashashtika on 14-05-2024 at Nagapattinam Government Medical College Hospital, Nagapattinam and running a peaceful life in her parents' house with the help of financial support of Petitioner/Accused.

K. Sathy

S. Sub.



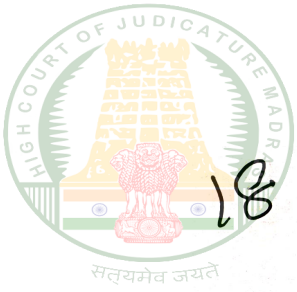
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7. It is respectfully submit that that they married each other after the 2nd Respondent / De-facto complainant attaining her majority on 25-04-2025 and they started their life in the Petitioner/Accused house along with their minor child in the above said address.
8. While the facts remain so the 1st Respondent/Complainant had filed their Final Report in SPL.S.C. No. 10 of 2024 dated on 18-11-2024 before the Learned Sessions Judge, Special Court under POCSO Act At Nagapattinam and the same is pending for Trail.
9. Since the De-facto Complainant and the Petitioner/accused are living as Husband and wife along with their minor child, there is purpose will serve to pending of the above case, hence the 2nd Respondent/De-facto Complainant herein give her consent to quash the same.
10. The De-facto Complainant respectfully submit that therefore in view of the above, no prejudice would be caused to the 1st respondent if the proceedings pending against the Petitioner is quashed and it is pertinent to point out here that a compromise has been reached between the de-facto complainant and the accused party as they are living as husband and life along with their minor child.
11. The De-facto complainant states that she agrees to the compromise without any provocation or any threatening by the petitioner as they are living as husband and wife.

K. Sathya.

S. Subin



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It is therefore prayed that this Hon'ble court may be pleased to accept the Memo of Joint compromise filed by the petitioner and the de-facto complainant to allow the above Crl.O.P. No. of 2026 to quash the SPL. S.C. No. 10 of 2024 pending before the Learned Sessions Judge, Special Court under POCSO Act At Nagapattinam and thus render justice.

K. Sathya:

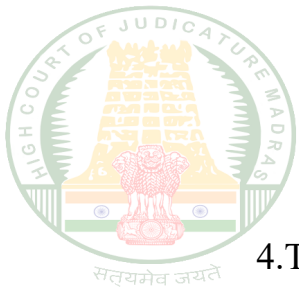
1. Petitioner/Accused

S. Sub:

2. 2nd Respondent/De-facto Complainant

Penny 1392/18

3. Counsel for the Petitioner & De-facto Complainant



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4. The learned Govt. Advocate (Crl.side) appearing for the first respondent Police submitted that during the relevant period of the offense, the victim was a minor and now she has attained majority and has given birth to a girl child. The petitioner and the victim are living together as husband and wife happily along with their child.

5. Heard the learned counsels appearing on either side and perused the materials available on record.

6. Today, the petitioners, the victim and their girl baby appeared before this Court, their identity is confirmed by the respondent Police

7. During interaction, the second respondent/victim informed that she attained majority, both the petitioner and the second respondent/victim are living as husband and wife and they are blessed with a girl baby. The second respondent/victim further informed that she is not inclined to proceed with the case and filed an affidavit to that effect along with Joint Compromise Memo. Though the offences under POCSO Act are serious and generally non-compoundable, this Court must consider the subsequent events and ground realities to preserve the welfare of the victim and her child. In similar matrix, the Apex Court in *K.Dhandapani vs. State by the Inspector of Police* reported



in **2022 SCC Online SC 1056**, 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.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Spl.SC.No.10 of 2024 pending on the file of the Sessions Judge, Special court under POCSO Act at Nagapattinam, is hereby quashed.

9. The affidavit and the Joint Compromise Memo filed by the petitioner and the second respondent/victim for compromising the offences shall form part of the records.

25-06-2026

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

To

1. The Sessions Judge, Special court under POCSO Act at Nagapattinam
2. The Inspector of Police,
Nagapattinam All women Police Station,
Nagapattinam-611001.
Cr.No.31 of 2023.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

PVS

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