



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 16166 of 2026

Kirushnamoorthy

..Petitioner(s)

Vs

1.The State rep.by,
The Inspector of Police,
All Women Police station,
Kallakurichi,
Kallakurichi district.

2.Kolanji

3.xxxxxxx

..Respondent(s)

To call for the entire records in connected with the criminal proceedings in Spl.SC.No.408 of 2024 on the file of the learned Principal District and Sessions Judge, Kallakurichi and quash the same.

For Petitioner(s): Mr.G.Balamanikandan

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

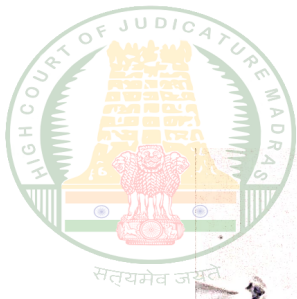
ORDER

The petitioner/accused, who is facing trial in Spl.SC.No.408 of 2024 for the offence under Sections 366, 354A, 342, 506(i), 294 (b) of IPC 5(1) r/w 6 of POSCO Act, before the learned Principal District and Sessions Judge, Kallakurichi, has filed this Criminal Original Petition.



2. The case of the prosecution is that the victim girl, who was a minor and the petitioner were in a love relationship for more than three years. On 26.04.2021 at about 9.00 p.m., the petitioner committed sexual assault with the third respondent on the false promise of marrying her. Subsequently, when the petitioner decided to marry another girl, she narrated the entire facts to her mother/second respondent. 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.408 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
(Criminal jurisdiction)

CrI.O.P.No. 16166 of 2026
In

Spl.S.C.No.408 of 2024

(Pending trial on the file of the Principal District and Sessions Judge,
Kallakurichi)

Kirushnamoorthy, M/26,
S/o.Kolanji,
Melatheru, Eiyanur Village,
Chinnasalem Taluk,
Kallakurichi District.

.... Petitioner/Accused (Single)

-Vs-

1. The state Rep. by:-
The Inspector of police,
All Women Police Station,
Kallakurichi.
Kallakurichi District.

...1st Respondent/Complainant

2. Mrs.Kolanji, F/39,
W/o.Muthaiyan,
Nadu theru, Eiyanur Village,
Chinnasalem Taluk,
Kallakurichi District.

...2nd Respondent/Defacto-Complainant

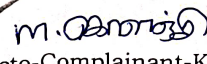
3. xxxxxxxx
xxxxxxx
~~xxxxxx~~, Eiyanur Village,
Chinnasalem Taluk,
Kallakurichi District.

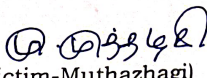
...3rd respondent/Victim girl

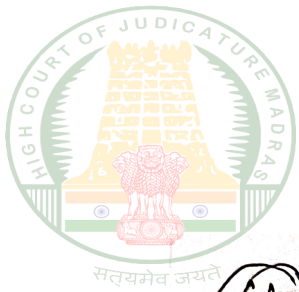
JOINT COMPROMISE MEMO FILED BY THE PETITIONER,
2ND RESPONDENT AND THE VICTIM GIRL

1. It is submitted that the case of the prosecution that that the victim girl was aged about 17 years at the time of occurrence (Now 19 years completed- date of birth is 25.04.2007). The victim girl and the petitioner/accused loved each other for the past three years. On 26.04.2021 at about 9.00 pm, the accused committed sexual assault with the victim girl by giving a false promise to marry her. Later, the petitioner decided to marry another girl. When the said facts narrated by the victim girl to her mother, she approached the petitioner and asked to marry her daughter/victim and the same was refused by him. Hence, the 2nd respondent lodged a complaint


(Accused-Kirushnamoorthy)


(Defacto-Complainant-Kolanji)


(Victim-Muthazhagi)



dated 10.04.2024 to the respondent police and they registered a F.I.R in Crime No.9 of 2024 for the offence punishable under sections 294(b) & 506(i) of I.P.C and 5(l) r/w 6 of POCSO Act 2012.

3. It is submitted that the 1st respondent police filed a charge sheet against the petitioner and the same was taken on file by the Learned Principal District and Sessions Judge, Kallakurichi in Spl.S.C.No.408 of 2024 for the offence punishable under sections 366, 354A, 342, 506(i), 294 (b) of IPC, 5(l) r/w 6 of POCSO Act 2012 and 4 of the women harassment Act.

4. It is submitted that the petitioner and victim girl are belong to Schedule Caste Community and they loved each other. Later, there was compromise held between both family members and they accepted their love. Hence, they arranged a marriage to the petitioner and the victim girl and it was held on 27.04.2025 at his residence with the participation of both family members. Now, the petitioner and the victim girl are residing in his house as husband and wife. Out of our wedlock, the victim girl begot a female child viz., Jeevitha on 28.01.2025. Therefore, the 2nd Respondent and the victim girl have agreed to quash and withdraw the above said proceedings.

5. It is submitted that the 2nd respondent and the victim girl willingly come forward settle the dispute and withdraw all the allegation mentioned in the first information report and the charge sheet containing the averments.

6. It is submitted that in view of the compromise arrived between the petitioner and the 2nd respondent and the victim girl, 2nd respondent and the victim girl are not inclined to continue the proceeding in Spl.S.C.No. 408 of 2024 which is pending as against the petitioner. Therefore, the 2nd respondent and the victim girl hereby undertake that they will not pursue the above said proceeding in Spl.S.C.No. 408 of 2024 on the file of the Learned Principal District and Sessions Judge, Kallakurichi as against the petitioner/accused may be quashed in all respects.

K. Kirushnamoorthy

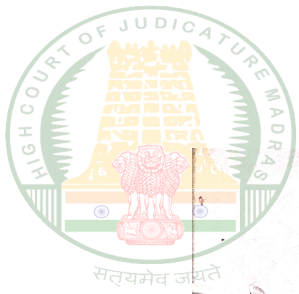
(Accused-Kirushnamoorthy)

M. Muthazhagi

(Defacto-Complainant-Kolanji)

A. Muthazhagi

(Victim-Muthazhagi)



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Therefore, this Hon'ble Court may be pleased to consider this compromise memo filed by the petitioner, the 2nd respondent and the Victim girl while passing order in Crl.O.P.No. of 2026 and thus render justice.

Dated at Kallakurichi at this 17th day of June 2026.

K. Krishna Moorthy

(Accused-Krishnamoorthy)

M. Kolanji

(Defacto-Complainant-Kolanji)

M. Muthazhagi

(Victim-Muthazhagi)

(Signature of Counsel for Petitioner)

Counsel for Petitioner



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 de facto complainant, the victim and their girl baby appeared before this Court and their identity is confirmed by the respondent Police

7. During interaction, the third respondent/victim informed that she attained majority, both the petitioner and the third respondent/victim are living as husband and wife and they are blessed with a girl baby. The third 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.408 of 2024 pending on the file of the Principal District and Sessions Judge, Kallakurichi, is hereby quashed.

9. The affidavit and the Joint Compromise Memo filed by the petitioner, the second respondent and the third 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 Principal District and Sessions Judge,
Kallakurichi
2. The Inspector of Police,
All Women Police station,
Kallakurichi,
Kallakurichi district.
3. The Public Prosecutor,
High Court, Madras.



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CRL OP No. 16166 of 2



M.NIRMAL KUMAR, J.

PVS

CRL OP No. 16166 of 2026

25-06-2026