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CRL OP No. 16457 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. 16457 of 2026

- 1.Narasimman
- 2.Suryaprakash
- 3.Ajith @ Santhamoorthy
- 4.Sathyaprasath
- 5.Rajammal

..Petitioner(s)

Vs

- 1.The State Rep.by,
The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri District.
- 2.Vijayakumar
- 3.Kavitha
- 4.xxxxx
- D/o. Vijayakumar

..Respondent(s)

To call for the records in Spl.S.C.No.59 of 2024 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri.

For Petitioner(s): M/s.S.Sengkodi

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

ORDER

The petitioners/accused, who are facing trial in Spl.S.C.No.59 of 2024 for the offence under Sections 363, 366, 366(A) of IPC and 5(1), 5(q), 5(j)(ii), r/w. 6(1), 16, 17 of POSCO Amended Act and Section 9 of Prohibition of Child

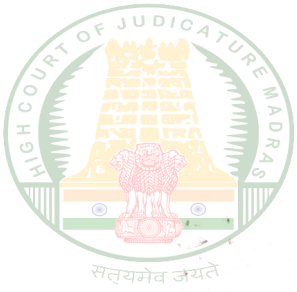


Marriage Act, before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri, have filed this Criminal Original Petition.

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2.The case of the prosecution is that the petitioners 2 to 4/A2 to A4 are cousins of the first petitioner/A1 and fifth petitioner/A5 is the mother of A2 to A4. On 05.10.2020 at about 11.00 p.m., the accused A1 to A3 kidnapped the fourth respondent/victim girl, when she came out of her house. Thereafter, the first petitioner/A1, took took the victim girl to the house of A4 and A5 at Bangalore. Subsequently, the first petitioner had sexual intercourse with her repeatedly. Based on the complaint of the second respondent, an FIR was registered. Upon completion of the investigation, a final report was filed and the same has been taken on file in Spl.S.C.No.59 of 2024.

3. The learned counsel for the petitioners submitted that the first 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 male child. Therefore the victim is not inclined to proceed the criminal proceedings against the petitioners 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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MEMORANDUM OF GROUNDS OF CRIMINAL ORIGINAL PETITION

(Under Section 528 of BNSS / 482 of Cr.P.C)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Inherent jurisdiction)

Crl.O.P.No. 16457 of 2026

In

Spl.SC.No: 59 of 2024

(On the file of the Special Court for Exclusive Trial of Cases Under POCSO Act,
Dharmapuri)

1. Narasimman, M/30

S/o. Rangasamy,

D.No.107 – Anna Nagar,

Bommikuppam Post,

Tirupathur District-635653.

2. Suryaprakash M/29

S/o. Jaisankar,

Anna Nagar, Bommikuppam,

Tirupathur District,

Now at Korkanda Palaya,

1st Cross, Yeshwanthpur,

Bangalore-560022.

3. Ajith @ Santhamoorthy M/27

S/o. Jaisankar,

Anna Nagar (VIL), Bommikuppam Post,

Tirupathur District,

Now at D.No.365 Korkanda Palaya,

1st Cross, Yeshwanthpur,

Bangalore-560022.

4. Sathyaprasath M/35

S/o. Jaisankar,

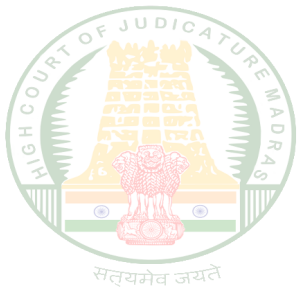
344A Anna Nagar, Bommikuppam,

Tirupathur District,

Now at Korkonda Palaya,

1st Cross, Yeshwanthpur,

Bangalore-560022.



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5. Rajammal F/51,
W/o. Jaisankar,
Anna Nagar, Bommikuppam,
Tirupathur District-635653,
Now at Korkanda Palaya,
1st Cross, Yeshwanthpur,
Bangalore-560022.

...Petitioners/Accused (A1to

1. The state rep.by:
The Inspector of Police
Dharmapuri police station
Dharmapuri District.

....1st respondent/Prosecuting Complainant

2. Vijayakumar, (46)
S/o. Ariyagounder,
No.4/32, Mathikonpalayam
Inga gounder Main Road
Dharmapuri District.
Now Residing at No.3/76,
Kandha Goundanur, Buddireddipatti,
Dharmapuri-635302.

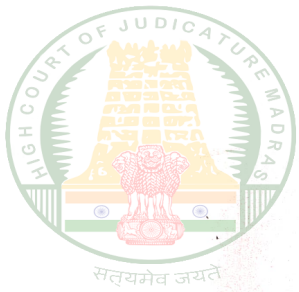
...2nd respondent/de-facto complainant

3. Kavitha, (38)
W/o. Vijayakumar
No.4/32, Mathikonpalayam
Inga gounder Main Road
Dharmapuri District.
Now Residing at No.3/76,
Kandha Goundanur, Buddireddipatti,
Dharmapuri-635302.

...3rd respondent/Victim Mother

4. XXXXX
D/o. Vijayakumar,
No.4/32, Mathikonpalayam
Inga gounder Main Road
Dharmapuri District.

...4th respondent/Victim



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JOINT COMPROMISE MEMO FILED BY THE PETITIONER AND 2nd RESPONDENT

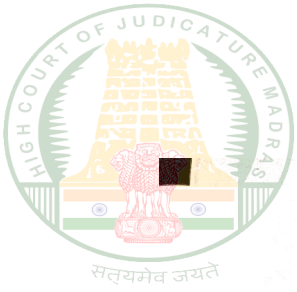
The Petitioners and the 2nd Respondent herein begs to state as follows:

1. The Petitioners submit that the 2nd respondent had lodge a complaint dated 06.10.2020 and same was registered by the 1st respondent register in Crime No.2212/2020 under section Girl Missing.

2. The petitioners submit that the 1st respondent took the investigation and secure the girl on 14.01.2022 and get state statement from the victim girl.

Thereafter the 1st respondent police alter the section on 14.02.2022 under section 363, 366, 366(A) of IPC and Section 5(I), 5(q), 5(j)(ii) r/w 6(1), 16,17 of POCSO Amendment Act and section 9 of Prohibition of child Marriage Act. The 1st respondent police had completed the investigation and laid charge sheet under section 363, 366, 366(A) of IPC and Section 5(I), 5(q), 5(j)(ii) r/w 6(1), 16,17 of POCSO Amendment Act and section 9 of Prohibition of child Marriage Act before the Hon'ble Special court for exclusive trial of cases under POCSO Act, Dharmapuri and the trial court for taking cognizance and assigned Spl.S.C.No: 59 of 2024. Now the case was post for service of summons on 07.07.2026.

3. The petitioners submitted that In such circumstances upon conciliation of their well-wishers, the victim and the 2nd Respondent had come forward to withdraw the complaint is compound the same through this quash proceedings on the grounds of compromise as their life is getting affected due to the



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-4-

pendency of the criminal proceedings. The 1st petitioner and victim girl got married on 16.02.2025.

4. Accordingly, this Joint memo of compromise filed with full consent, without coercion seeking to quash the above charge sheet in Spl.S.C.No: 59 of 2024 now pending on the file of the Special court for Exclusive trial of cases under POCSO act, Dharmapuri, on the grounds of compromise in the interest of welfare of the victim as well as the Petitioners taking consideration of the above facts.

For the reasons stated above it is therefore prayed that this Hon'ble Court may be pleased to record the Joint Compromise Memo in charge sheet in Spl.S.C.No:59 of 2024 on the file of the Special court for Exclusive of cases under POCSO Act, Dharmapuri and pass appropriate orders as this Hon'ble Court may deem fit in the circumstances of the above case and thus render justice.

Dated at Chennai on this the Day of June 2026.

Petitioners

- 1) N. B. S. S. S. S.
- 2) S. J. S. S. S. S. S.
- 3) A. S. S. S. S.
- 4) S. S. S. S. S.
- 5) R. S. S. S. S.

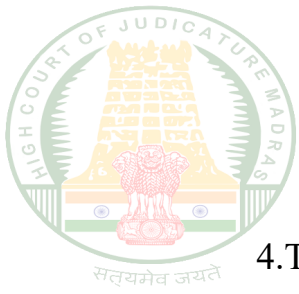
**2nd Respondent/
Victim father**

x v

T. S. S. S. S.

Counsel for Petitioner

R. Anish Kumar 51/70/2024.



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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 boy child. The first 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 boy baby appeared before this Court, their identity is confirmed by the respondent Police

7. During interaction, the fourth respondent/victim informed that she attained majority, both the petitioner and the fourth respondent/victim are living as husband and wife and they are blessed with a boy baby. The fourth 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

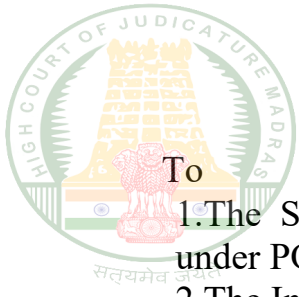
the ground reality and disturb the happy family life of the petitioner as well as the victim. In view of the same, this Court finds that continuation of the proceedings will serve no purpose and it is only an abuse of process of law.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Spl.S.C.No.59 of 2024 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri, is hereby quashed.

9. The affidavit and the Joint Compromise Memo filed by the petitioners and the second respondent 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 Special Court for Exclusive Trial of Cases
under POCSO Act, Dharmapuri

2.The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri District.

3.The Public Prosecutor,
High Court, Madras



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M.NIRMAL KUMAR, J.

PVS

CRL OP No. 16457 of 2026

25-06-2026