



WEB COPY

CRL OP No. 32541 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 32541 of 2025

AND

CRL MP NO. 22610 OF 2025

Manivasan

S/o. Settu, Kolasanahalli village,

Veppilahalli Post,

Palacode Taluk, Dharmapuri District.

..Petitioner/Accused

Vs

1. State by

Inspector of Police,

Mahendramangalam Police Station,

Dharmapuri District.

(Crime No. 101 of 2022)

2. Shanmugam

S/o. Ganesan, Madhageri Village,

Jittandahalli Post, Palacode Taluk,

Dharmapuri District.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records in connection with Spl.S.C.No.33 of 2024 on the file of learned Sessions Judge, Fast Track Mahila Court, Dharmapuri and Compromise and quash the same.

For Petitioner :

Mr.M.R.Elavarasan

For Respondent-1:

Mr.R.Rajasekaran,

Government Advocate (Crl. Side)

**ORDER**

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The petitioner/accused, who is facing trial in Spl.S.C.No.33 of 2024 for offence under Sections 363 and 366 of I.P.C., 1860 and Sections 5(l) and 6(1) of Protection of Child from Sexual Offences Act, 2012 (in short 'POCSO Act'), had filed this quash petition.

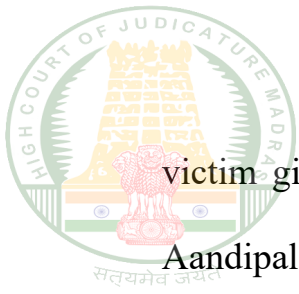
2.The case of the prosecution is that the petitioner is residing at Kolasanahalli Village, Veppilaihalli Post, Palacode Taluk, Dharmapuri District. He was working as a Driver in Hatsun company at Vellichandal and used to collect milk in the Madhageri village. The de facto complainant is residing at Madhageri village and working as a driver in his Tata Ace vehicle. The de facto complainant's daughter/victim, aged about 15 years was studying in 10th standard. Prior to the occurrence, while the petitioner come to collect milk, he got acquaintance with the victim girl and used to speak through mobile phone and developed love relationship with the victim girl. When the victim's parents came to know about the love affair, they warned the petitioner. Thereafter too, the petitioner continued the love relationship with the victim girl. On 30.09.2022, the petitioner took the victim girl in his Splendor bike bearing Registration No.TN-24-Z-3459 to his uncle's friend Poongavanam's house situated at Aandipalayam, Tiruppur District and stayed along with the victim girl from 01.10.2022 to 02.10.2022. During their stay, the petitioner, on the



promise of marriage, committed penetrative sexual assault on the victim girl, not once but several times. Hence, a complaint lodged and F.I.R. registered in Crime No.101 of 2022. After registration of F.I.R., investigation conducted and charge sheet filed in this case listing witnesses LW1 to LW27.

3.The contention of the learned counsel for petitioner is that the petitioner and the victim girl were in love with each other, which was opposed by the victim's parents. In the victim's statement under Section 164 of Cr.P.C., it is recorded that the victim went voluntarily with the petitioner. He further submitted that now the victim attained majority and both the petitioner and victim got married to each other and they are living as husband and wife. Hence, the victim is not willing to pursue the case, considering their future and decided to settle the issue amicably between themselves. The petitioner and the victim have also filed affidavits and Joint Compromise Memo to that effect.

4.The learned Government Advocate (Criminal Side) submitted that on the complaint of the de facto complainant/second respondent, initially a case was registered in Crime No.101 of 2022 under 'Girl Missing' and after investigation, altered to Sections 363 and 366 of I.P.C., 1860 and Sections 5(1) and 6(1) of POCSO Act, 2012. At the time of occurrence, the victim was a minor. The petitioner, taking advantage of the tender age of the victim girl, developed love affair with the victim girl. On 30.09.2022, the petitioner took the

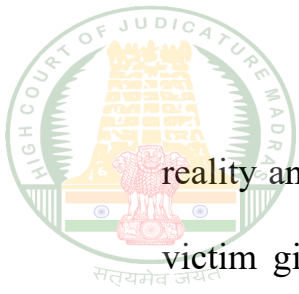


victim girl in his bike to his uncle's friend Poongavanam's house situated at Aandipalayam, Tiruppur District and stayed along with the victim girl from 01.10.2022 to 02.10.2022. During their stay, the petitioner, on the promise of marriage, committed penetrative sexual assault on the victim girl, not once but several times. He further submitted that now the petitioner and the victim girl got married and they are living together as husband and wife. They have also produced the Marriage Certificate.

5.Considering the submissions made and on perusal of the materials, it is seen that the petitioner and the victim girl were in love with each other. The victim in her 164 statement admits that she voluntarily went along with the petitioner. Now the victim attained majority and both the petitioner and victim got married to each other and they are living as husband and wife.

6.Mr.P.Prabu, HC753, Mahendramangalam Police Station, Dharmapuri District ensured the presence of the petitioner and the victim before this Court. On interaction with them, both the petitioner and victim girl confirmed that they are living as husband and wife and leading a happy matrimonial life. They also produced Marriage Registration Certificate.

7.The Hon'ble 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/accused as well as the victim girl. In view of the same, this Court is of the view that allowing the petitioner and the victim girl to lead a happy family life would be the real justice. Both parties filed affidavits and Joint Compromise Memo to that effect.

8. In view of the above, the Criminal Original Petition stands allowed and the criminal proceedings in Spl.S.C.No.33 of 2024 pending on the file of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri is quashed as against the petitioner. The petitioner is discharged from all charges.

9. The affidavits and the Joint Compromise Memo filed by the petitioner and the victim girl for compromising the offences shall form part of the records. Consequently, the connected criminal miscellaneous petition is closed.

05-06-2026

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

RSI



CRL OP No. 32541 of 2



M.NIRMAL KUMAR J.

RSI

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To

1. The Sessions Judge,
Fast Track Mahila Court, Dharmapuri.
2. The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.

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