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CRL OP No.34671 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 34671 of 2025

AND

CRL MP NOS. 201 and 202 OF 2026

1. Thennarasu
S/o.Velayatham,
No.50, Kumarampatti Village,
K.Ettipatti post, Uthangarai Taluk,
Krishnagiri District.

2. Anbu
S/o.Lakshmanan,

3. Lakshmi Devi,
W/o.Anbu
petitioners 2 and 3 are residing at
No.110, Dhandapani Kovil Street,
Tirupattur Town and District.

4. Sivagami
W/o.Velayatham,
No.50, Kumarampatti Village,
K.Ettipatti post, Uthangarai Taluk,
Krishnagiri District.

Petitioners/A1 to A4

Vs

1. The State Rep. by
The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur District.
(Crime No.44/2025)

2.Sargunam
W/o.Ramachandiran,
1/10



CRL OP No.34671 of 2025

Women Village Welfare Officer,
Panchayath Union,
Thirupathur District.

Respondent(s)

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records pending on the file of the learned District and Sessions Judge, Tirupattur, Tirupattur District in Spl.S.C.No.125 of 2025 and quash the criminal proceedings based on the compromise

For Petitioners :	Mr.E.Kannadasan
For Respondent-1:	Mr.Leonard Arul Joseph Selvam Additional Public Prosecutor Assisted by Ms.Harshana, T.

ORDER

The petitioners/A1 to A4, who are facing trial in Spl.S.C.No.125 of 2025 for offence under Sections 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012 (in short 'POCSO Act') and Sections 9 and 10 of Child Marriage Restraint Act, 1929, had filed this quash petition.

2.The case of the prosecution is that on 16.09.2021, the petitioners/A1 to A4 joined together planned and conducted the marriage of the victim minor girl Keerthana, aged about 17 years. Out of the marriage, she gave birth to one male and one female child. On the complaint from the Village Welfare Officer,



Panchayat Union, Tirupattur District, an enquiry conducted and a case in Crime

No.44 of 2025 for offence under Sections 5(l) and 6 of POCSO Act and Sections 9 and 10 of Child Marriage Restraint Act registered. The investigation revealed that the second and third petitioners are the parents of the victim girl Keerthana and she studied upto 9th standard in Mary Immaculate Girls Higher Secondary School, Tirupattur. Her date of birth is 22.06.2008. The fourth petitioner/A4 is the mother of first petitioner/A1, who was working as driver of Hitachi vehicle at Kerala. The petitioners 1 to 4 are close relatives. When the victim minor girl was studying in 9th standard, the victim and first petitioner/A1 fell in love with each other. The first petitioner's father is no more. On coming to know about the love affair, the parents joined together planned to have a marriage of minor girl Keerthana. Accordingly, on 16.09.2021 at about 04.30 hours, the marriage of minor girl with first petitioner conducted at Uthangarai, Aadhiyanoor Perumal Kovil along with their friends and relatives. The victim and first petitioner were residing in a rented house in Kerala as husband and wife. Out of the marriage, minor Keerthana delivered one male child and one female child. Both children delivered at Government Hospital, Tirupattur. On getting information about the child marriage, the de facto complainant, Woman Village Welfare Officer lodged a complaint and after registration of F.I.R., investigation conducted listing LW1 to LW14 and on collection of documents charge sheet filed in this case.



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3.The contention of the petitioners is that the petitioners belonged to ST community and as per their Caste Customs, they perform the marriage of the girl after she attaining puberty. As regards the petitioners, the first petitioner is the maternal uncle's son of the minor girl Keerthana. Both were in love with each other. The parents not opposed the love affair and thereafter marriage was performed as per their community customs and practices. The marriage was also attended by the villagers and close relatives and out of the marriage one male child Livinesh born on 18.05.2023 and one female child Kavinila born on 01.08.2024 and recently on 25.12.2025 third baby born to them. None of the villagers or any public lodged any complaint on forcible child marriage. It is common among tribal people of that area to have a marriage at that age. The victim is few months short to attain majority. The victim's parents are uneducated. The delivery of the victim took place in the house and there is no birth certificate. The date of birth of the victim registered as 22.06.2008 in the school records as per the convenience of the school to ensure that the victim has reached the eligible age. It is nobody's case that there was any forcible child marriage. The victim and the first petitioner/A1 are living as husband and wife and it is the first petitioner, who is taking care of the victim. They had two children at the time of registration of the case. Even after registration of the case both are living together as husband and wife and now third baby born to them



on 25.12.2025. Further they belonged to ST community and as per Section 2(2) of the Hindu Marriage Act, their marriage cannot be said to be in violation of the Act. They have also filed affidavits and Joint Compromise Memo to that effect.

4.The learned Additional Public Prosecutor submitted that the de facto complainant is a Women Village Welfare Officer, Panchayat Union, Tirupattur, who received information about the first petitioner and the victim had a marriage, living as husband and wife and having two children. The victim is a minor aged about 17 years. The second and third petitioner/parents of the victim and the fourth petitioner, the mother of A1 all have performed the Child Marriage in Uthangarai, Aadhiyanuoor Perumal Kovil. The child marriage was confirmed by the statement of LW2/victim. The victim confirms about her date of birth and her marriage. LW3 employed in Child Welfare Centre, who confirms about going along with LW1 to the house of the victim and enquiring her. LW4 and LW5 are neighbours, who confirm about the victim and first petitioner living as husband and wife. LW6 and LW7 are observation mahazar and rough sketch witnesses. LW8 is Head Mistress, who issued school certificate confirming the date of birth of the victim as 22.06.2008. LW9 and LW10 are Grade-I PC and Woman PC, who escorted and accompanied first petitioner and the victim for DNA test. LW11-photographer, who took



photographs and videographs. LW12 is Forensic Scientist, who gave DNA report. LW13 is Sub Inspector of Police, who registered F.I.R. in Crime No.44 of 2025. LW14 is Investigating Officer, who conducted investigation and filed charge sheet.

5.The learned Additional Public Prosecutor fairly submitted that the petitioners and the victim are close relatives, all belonged to ST community and the date of birth of the victim not collected in this case. The school certificate alone is produced and victim's parents are uneducated. The present Head Mistress is unable to give any details as to who had given the date of birth of the victim. He further submitted that the victim is few months short of attaining majority. During investigation, it was found that the victim's first child Livinesh born on 18.05.2023 and the second child Kavinila born on 01.08.2024 and both were born in the Government Hospital, Tirupattur and recently on 25.12.2025, third baby born to them.

6.Considering the submissions made and on perusal of the materials, it is not in dispute that the petitioners/A1 to A4 and the victim are closely related. The first petitioner is the maternal uncle's son of victim and all belonged to ST community. As per Section 2(2) of the Hindu Marriage Act, 1955, ST community people are exempted from Hindu Marriage Act and their customs



and usage will prevail and give prominence. In this case, the victim's date of birth is 22.06.2008 as per the school register, LW8/Head Mistress provided the same. The victim was born in the house, which is confirmed by second and third petitioners/parents of victim, both are illiterates. Hence, as per the school records victim is few months short to attain majority. The first petitioner and the victim now having three children and after the marriage on 16.09.2021, the first petitioner and the victim are living as husband and wife and first petitioner is the only earning member and he is taking care of the entire family. The petitioners as well as the victim along with two children and recently born infant appeared in person at Chambers. On interaction with them, both the first petitioner and victim girl confirmed that they are living as husband and wife with their children and leading a happy matrimonial life.

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.



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8. In view of the above, the Criminal Original Petition stands allowed and the criminal proceedings in Spl.S.C.No.125 of 2025 pending on the file of the learned District and Sessions Judge, Tirupattur, Tirupattur District is quashed as against the petitioners. The petitioners are discharged from all charges.

9. The affidavits and the Joint Compromise Memo filed by the petitioners and the victim Keerthana for compromising the offences shall form part of the records. Consequently, the connected Criminal Miscellaneous Petitions are closed.

27-03-2026

Index : Yes/No
Speaking order/Non-speaking order
Neutral citation : Yes/No
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To

1.The District and Sessions Judge,
Tirupattur, Tirupattur District

2.The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur District.

3.The Public Prosecutor
High Court, Madras.



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M. NIRMAL KUMAR, J.

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