



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

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CORAM:
THE HON'BLE MR JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. No.3389 of 2026 and Crl.M.P.No.2367 of 2026

1. Karthik @ Karthikeyan
2. Amsavalli

Petitioners

vs.

1. The State represented by
the Inspector of Police
All Women Police Station
Panruti Police Station
Panruti, Cuddalore District

2. XXXXX
XXXXX, Panruti Taluk
Cuddalore District

Respondents

Criminal Original Petition filed under Sec.528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Spl. S.C.No.50 of 2022 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act, Cuddalore and quash the same.

For petitioner

Mr. S.C. Vishwanth

For R1

Mr. S. Santhosh, Govt. Adv. (Crl. Side)

For R2

Mr. Chozhan

ORDER

This criminal original petition has been filed for quashment of the proceedings in Spl. S.C.No.50 of 2022 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act, Cuddalore, (for brevity “the Trial Court”) on the basis of compromise arrived at between the petitioners and the de facto complainant/second respondent/minor victim girl.



2. The gist of the case of the prosecution is that the first petitioner/first accused committed penetrative sexual assault on the second respondent/victim girl and videographed his acts and compelled her to marry him and the second petitioner/second accused, who is the mother of the second respondent/victim girl, abetted the first petitioner/first accused in the offence.

3. The learned counsel for the petitioners submitted that the petitioners hail from a lower stratum of the society; the second petitioner, a widow, in order to arrange a good future for the second respondent/victim girl, proposed to give her in marriage to the first petitioner; the second petitioner/victim girl who was not interested in the marriage, in order to avoid the marriage, with the ill advice of her elder brother, gave a false and exaggerated complaint, based on which, a case in Cr.No.42 of 2021 was registered by the first respondent police on 18.12.2021 against the petitioners for the offences under Sections 5(l), 6, 13, 14(1) and 17 of the POCSO Act and 67 of the Information Technology Act, which was taken on file by the Trial Court in S.C.No.50 of 2002.

4. The learned counsel further submitted that the entire records in the case would prove that the complaint is a false and exaggerated one; when the second respondent/victim girl was produced for medical examination, the doctor found no evidence to suggest that sexual intercourse had happened and no



injuries were noted either on her genitals or other parts of her body; in her statement recorded under Section 164 Cr.P.C., the second respondent/victim girl had also admitted that since her mother compelled her to marry the first petitioner, she gave the complaint and later, the marriage proposal was aborted; now, the second respondent/victim girl, who has attained majority, had understood her mistake and she has filed an affidavit stating that the complaint was given only to avoid the marriage which was arranged by her mother against her will; that there had been no such penetrative sexual assault has also been confirmed by medical evidence; thus, when the second respondent/victim girl herself has not supported the case prosecution case and admitted of having given a false complaint, no useful purpose would be served by allowing this false and vexatious prosecution to be continued against the petitioners who have not committed any offence.

5. Learned Government Advocate (Crl. Side) appearing for the first respondent police submitted that based on the complaint given by the second respondent/victim girl, the case was registered; while recording the statement under Section 164 Cr.P.C., she stated that in order to avoid marriage with the first petitioner, she gave the complaint on the instigation/ill advice of her elder brother and she had not supported the case of the prosecution and even as per medical evidence, hymen was found intact and therefore, there is no evidence to suggest sexual intercourse; the second respondent/victim girl has understood her



mistake and she has also expressed her remorse for having given a false and exaggerated complaint to avoid marrying the first petitioner; now that the second respondent/victim girl who has attained majority has now married someone else, if the trial is allowed to continue, her marital life will be affected.

6. Heard both sides and perused the materials available on record.

7. The petitioners and the second respondent/victim girl appeared before this Court and they were identified by the respective learned counsel as well as by Ms. P. Dhanalakshmi, WHC 1305, Panruti All Women Police Station.

8. On being enquired by this Court, the second respondent/victim girl stated that without understanding the consequences, she gave a false complaint to avoid her marriage with the first petitioner and hence, she seeks pardon for her mistake; now, she is married to some other person and if she is made to face trial as a witness, her marital life will be affected and she has no objection in the prosecution against the petitioners being quashed by this Court.

9. Besides hearing the parties, this Court, in order to satisfy its judicial conscience, called for the case diary and perused the same. The crux and gravamen of the prosecution case is that the first accused had committed



penetrative sexual assault on the second respondent/victim girl and had also videographed the same and threatened and compelled her to marry him and the second petitioner abetted the first petitioner in the commission of the said offence.

10. In the course of investigation, the second respondent/victim girl had been produced for medical examination and the statement given by her to the doctor had been recorded in the case sheet which reads as follows:

“Complaints of the victim: Alleged history sexual abuse (கட்டிபிடிக்க முயன்றார், தான் தள்ளி விட்டதாக) by known person.

History as stated by the victim. Mr. Karthikeyan, 30/male, unmarried, working at his uncle's cement shop. Incident happened in her house at 5.30 p.m. last month (exact date NK). Her brother Mr. Aakash, 21/M, lorry driver by occupation has filed complaint on him. She also states that Mr. Karthik has taken photos of her and threatening her to marry him.

8. Opinion:

I am of the opinion that

- (1) there is no evidence to suggest sexual intercourse
- (2) she is not pregnant at the time of examination
- (3) No injuries noted on genitals and other parts of the body
- (4) Age as per radiologist opinion

11. Further, the second respondent/victim girl, in her statement under Section 164 Cr.P.C., had stated that she and her mother are living separately and her elder brothers are living with their grandmother; her mother compelled and tortured her to marry the first petitioner; since she refused to marry him, her mother assaulted her; she (victim girl) also informed the same to her elder brother who also questioned their mother on this, but, their mother did not listen



to them; while so, during December 2021, her brother came to her house and showed photographs from his mobile phone in which it was found that her dress was lifted up and she was found along with the first petitioner and he also reprimanded her; she informed her brother that she did not know anything about that; she had never been in such a position with the first petitioner and she was not aware as to how the photographs had come to her brother's mobile phone; her brother compelled her to give a complaint and also asked her to sign the same; the complaint was written by her brother and she was made to sign the same and she was not aware of the contents of the same.

12. From a perusal of the records, this Court finds that the first respondent police, without properly analysing the statement of the second respondent/victim girl recorded under Section 164 Cr.P.C. and without carefully evaluating the medical evidence, had filed the final report in a callous, slipshod and lackadaisical manner. It is very pitiable that the petitioners were also in custody for a considerable length of time. Now that the second respondent/victim girl, who has attained majority and has also married someone else, has understood her mistake and expressed her remorse and filed an affidavit categorically stating that only to avoid her marriage with the first petitioner, she gave a false complaint and that the first petitioner had no physical relationship with her, this Court feels that no useful purpose would be served by keeping the impugned proceedings pending any more.



13. Accordingly, the impugned proceedings against the petitioners in Spl.S.C.No.50 of 2022 on the file of the Trial Court is quashed. Connected miscellaneous petition is closed. The individual affidavits filed by the petitioners and the second respondent/victim girl and the joint compromise memo filed by the parties shall form part of the records.

16.02.2026

dsn/cad

To

1. The Inspector of Police
All Women Police Station
Panruti Police Station
Panruti
Cuddalore District
2. The Public Prosecutor
Madras High Court
Chennai 600 104



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A.D. JAGADISH CHANDIRA, J.

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