



Crl.O.P.No.4710 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.4710 of 2026 and
Crl.M.P.No.3351 of 2026

A.Mohan Kumar

... Petitioner

vs.

1.The State rep. by
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
Crime No.666 of 2021

2.P.Kavitha

3.M.Swetha

... Respondents

PRAYER: Criminal Original Petition is filed under Section 583 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records relating to the case in
Spl.C.C.No.77 of 2022 on the file of the District Sessions Judge, Magalir
Neethimandram (Fast Track Mahila Court), Namakkal and quash the same.

For Petitioner : Mr.P.Vimal Raj

For R1 : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor
Assisted by M/s.Harshana.T.



ORDER

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The petitioner/accused, who is facing trial in Spl.C.C.No.77 of 2022 for offence under Sections 6, 5(l) and 5(j)(ii) of Protection of Children from Sexual Offences Act, 2012 (POCSO Act) before the learned District Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal, filed this Criminal Original Petition on the ground of compromise.

2.Case of the prosecution is that on 15.10.2021 the 2nd respondent, who is the Out Reach Worker, DCP Unit, Mohanur Road, Namakkal along with one Mr.Subramanian, Member of Child Line-1098 lodged a complaint to the 1st respondent Police stating that they received a secret information that a minor girl aged about 17 years was nine months pregnant without getting married and on receipt of information, they went to Mohanur. The background of the case is that the victim girl aged about 17 years is living with her parents at Mamarathupatty, Kumaripalayam, Mohanur Taluk, Namakkal District. The petitioner is a resident of Soorampatty, Trichy District and he used to visit his sister's house situated near the house of the victim girl. At that time, the petitioner expressed his love towards the victim



girl and they were in love relationship for about two years. The victim's parents go for centering works. The petitioner and the victim girl used to meet in the house of victim's paternal uncle Anbalagan, who also go for centering work along with his wife. The petitioner and the victim had physical relationship on several occasions and the victim became pregnant. On completion of investigation, the 1st respondent Police filed charge sheet before the trial Court listing LW1 to LW24 and documents and Special C.C.No.77 of 2022 assigned.

3.Learned counsel for the petitioner submitted that the petitioner and the 3rd respondent were in love with each other. He would submit that without knowing the consequences of POCSO Act, the petitioner and victim had physical relationship on several occasions, due to which, the victim became pregnant. He further submitted that the 3rd respondent already attained majority and the petitioner is now facing trial. Learned counsel further submitted that now the 3rd respondent/victim is not inclined to proceed against the petitioner and that both the petitioner and 3rd respondent are leading a happy married life with a male child born on 11.11.2021. Hence, he prays for quashing.



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4.Learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that in this case, during the relevant period, the victim was a minor. The victim was examined by the Doctor. Further the victim was given birth to a male child on 11.11.2021 and that the petitioner is the reason for her pregnancy and birth of a male baby. The 1st respondent Police also enquired and found from the neighbours that they are living as husband and wife happily.

5.Considering the submissions and on perusal of the materials, it is seen that since the 3rd respondent/victim girl was a minor during the relevant time, case registered against the petitioner.

6.Today, the petitioner, 2nd respondent and 3rd respondent/victim appeared before this Court, their identity is confirmed by Mr.T.Subramanian, Special Sub Inspector of Police attached to the 1st respondent Police Station. During interaction in the Chamber, the 3rd respondent/victim informed that she attained majority, both the petitioner and the 3rd respondent/victim are living as husband and wife and they were blessed with a male child on



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11.11.2021. The 3rd respondent further informed that she is not inclined to proceed with the case and ready to withdraw the case and filed affidavit and joint compromise memo to that effect. The 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 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.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Spl.C.C.No.77 of 2022 on the file of the District Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal, is hereby quashed against the petitioner. Consequently, connected Criminal Miscellaneous Petition is closed.

27.03.2026

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

cse

To

1.The District Sessions Judge,
Magalir Neethimandram
(Fast Track Mahila Court),
Namakkal.

2.The Inspector of Police,
Mohanur Police Station,
Namakkal District.

3.The Public Prosecutor,
Madras High Court.

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