



Crl.OP(MD)No.2140 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.2140 of 2026

and

Crl.M.P.(MD)No.2405 of 2026

Surya

... Petitioner/Accused

Vs.

1. The State of Tamilnadu,
Rep. by, the Inspector of Police,
All Women Police Station Sankarankovil,
Tenkasi District.
Crime No. 5/2025

.... Respondent / Complainant

2. Alice

3. xxxx

.... Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and quash the proceedings of the Charge Sheet in Spl S.C.No.342 of 2025 on the file of the Principal District Court, Tenkasi District.



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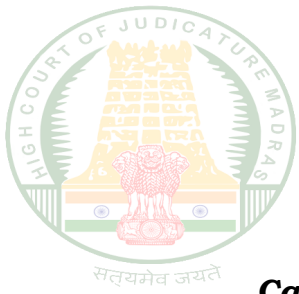
For Petitioner : Mr.K.Prabhu
For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

Prologue:

The present Criminal Original Petition raises a delicate and sensitive issue lying at the intersection of the statutory rigor of the Protection of Children from Sexual Offences Act, 2012, the realities of adolescent relationships, the subsequent matrimonial union between the parties, and the welfare of the child born out of such relationship. This Court is called upon to balance the legislative intent underlying the POCSO Act, 2012, with the constitutional duty to secure substantive justice in exceptional factual circumstances.

2. The petitioner seeks quashment of the proceedings in Spl.S.C.No.342 of 2025 pending on the file of the learned Principal District Judge, Tenkasi District, wherein the petitioner stands prosecuted for the offences under Section 81 of the Bharatiya Nyaya Sanhita and Sections 5(l), 5(n), 5(j)(ii) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.



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Case of the prosecution:

3. The case of the prosecution, as discernible from the First Information Report, the final report and the materials placed before this Court, is that the third respondent/victim girl was aged about 17 years and 7 months at the relevant point of time and that she was in a love relationship with the petitioner.

4. According to the prosecution, the petitioner and the third respondent developed intimacy, pursuant to which they had consensual physical relationship. Subsequently, the victim girl became pregnant. It is further alleged that the petitioner thereafter married the victim girl on 02.02.2025 without the knowledge of their respective families.

5. Based upon the complaint lodged by the second respondent/Rural Welfare Officer, a case in Crime No.5 of 2025 came to be registered on the file of the first respondent police. Upon completion of investigation, the first respondent filed a final report before the learned Principal District Judge, Tenkasi District and the



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same was taken cognizance in Spl.S.C.No.342 of 2025 for the aforesaid offences.

Grounds for quash:

6. The petitioner seeks quashment primarily on the following grounds:

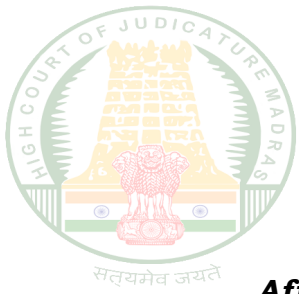
(i) that the relationship between the petitioner and the third respondent was wholly consensual and arose out of a mutual romantic relationship between two adolescents;

(ii) that subsequent to the registration of the case, the petitioner and the third respondent solemnised marriage and are presently leading a peaceful matrimonial life;

(iii) that a girl child has been born to them and the family unit has now stabilised socially and emotionally;

(iv) that continuation of the criminal prosecution would irreparably destroy the marital life of the parties and adversely affect the welfare of the child;

(v) that the victim girl, having now attained majority, has voluntarily sworn an affidavit expressing her desire that the criminal proceedings be quashed.



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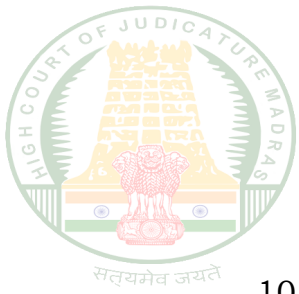
Affidavit of the victim / joint compromise:

7. This Court has carefully perused the affidavit sworn by the third respondent/victim girl. In the said affidavit, the third respondent has categorically stated that she and the petitioner are presently married and are leading a happy matrimonial life and that they have been blessed with a girl child. She has further unequivocally expressed her consent for quashing of the criminal proceedings against the petitioner.

8. A Joint Memorandum of Compromise has also been filed before this Court. The compromise memo discloses that the petitioner and the victim girl have amicably settled the entire dispute and are presently cohabiting as husband and wife.

Submissions on either side:

9. The learned counsel appearing for the petitioner submitted that the present case does not involve forcible sexual assault, coercion, exploitation, trafficking or abuse in the conventional sense contemplated under the POCSO Act, 2012, but concerns a consensual romantic relationship between two young individuals.



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10. The learned counsel would further submit that the victim girl was on the verge of attaining majority at the relevant point of time and that the relationship culminated in marriage, which is continuing peacefully. It is further contended that the victim herself, after attaining majority, has consciously and voluntarily appeared before this Court and affirmed her desire to continue the matrimonial relationship with the petitioner.

11. The learned counsel would therefore submit that continuation of the prosecution would neither serve the object of the statute nor secure the interest of the victim, but on the contrary, would shatter the settled family life of the parties and jeopardise the welfare of the minor child born to them. Reliance was placed upon various judgments of the Hon'ble Supreme Court and this Court wherein criminal proceedings under the POCSO Act, 2012, were quashed in exceptional factual situations involving consensual adolescent relationships culminating in marriage.

12. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the victim admittedly was a



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minor at the relevant point of time and therefore her consent loses legal significance under the provisions of the POCSO Act, 2012. It is further submitted that the offences alleged are grave in nature and ordinarily cannot be quashed merely on the basis of compromise.

13. However, the learned Government Advocate fairly submitted that the victim has now attained majority, has filed an affidavit supporting quashment, and has personally appeared before this Court. The learned counsel appearing for the third respondent/victim girl also reiterated that the compromise was voluntary and that the third respondent desires continuation of her matrimonial relationship with the petitioner.

14. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

15. The principal point that arises for consideration is whether, in the peculiar facts and circumstances of the present case involving a consensual adolescent relationship culminating in marriage and



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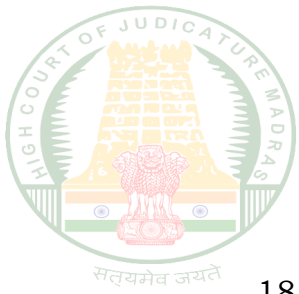
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childbirth, this Court should exercise its inherent jurisdiction under Section 528 BNSS to quash the proceedings in Spl.S.C.No.342 of 2025?

Analysis:

16. The inherent jurisdiction of the High Court under Section 528 BNSS corresponding to Section 482 Cr.P.C., 1973, is intended to prevent abuse of process of Court and to secure the ends of justice. It is undoubtedly true that offences under the POCSO Act, 2012, are grave offences enacted to protect children from sexual exploitation and abuse. The legislative object underlying the enactment cannot be diluted lightly by invoking compromise between parties.

17. Equally, this Court cannot remain oblivious to the changing social realities wherein consensual adolescent relationships are increasingly being brought within the sweep of stringent penal statutes, even in the absence of exploitative intent or predatory conduct.

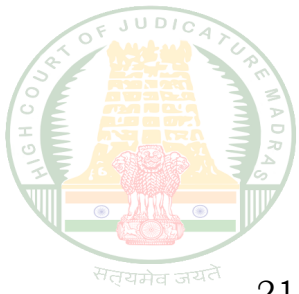


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18. The distinction between exploitative sexual assault and consensual adolescent intimacy, though legally blurred by statutory prescription of age, cannot altogether be ignored while exercising constitutional and inherent jurisdiction in exceptional cases.

19. The petitioner stands charged for offences under Sections 5(l), 5(n), 5(j)(ii) read with Section 6 of the POCSO Act, 2012. Section 5 of the POCSO Act, 2012, defines aggravated penetrative sexual assault under specified aggravated circumstances. However, the materials available before this Court do not disclose elements of violent coercion, abuse of authority, trafficking, predatory conduct, or exploitative manipulation.

20. The substratum of the prosecution case itself reveals that the relationship arose out of mutual affection between the petitioner and the victim girl. The victim girl has now attained majority and has unequivocally expressed before this Court that she voluntarily entered into the relationship and subsequently married the petitioner.

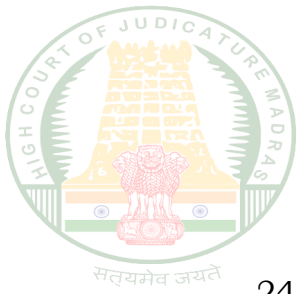


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21. The subsequent marriage between the parties and the birth of a child cannot by themselves erase the statutory offence. Nevertheless, these subsequent developments become highly relevant while considering whether continuation of prosecution would truly advance justice.

22. This Court cannot lose sight of the fact that the victim girl, the petitioner and their child presently constitute a family unit. If the criminal prosecution is permitted to continue mechanically despite the subsequent developments, the inevitable consequence may be incarceration of the petitioner, disruption of the marital relationship, social stigma upon the victim and deprivation of parental support to the child.

23. The criminal law cannot be applied in a manner that ultimately destroys the very victim whose welfare the statute seeks to protect. The Hon'ble Supreme Court has repeatedly emphasised that while exercising inherent jurisdiction, the Hon'ble High Court must evaluate whether continuation of proceedings would secure justice or merely perpetuate injustice.



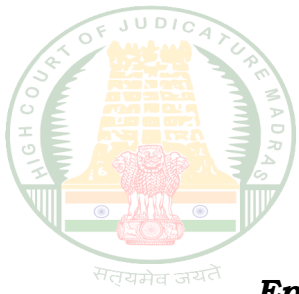
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24. The third respondent/victim girl is present before this Court. She has been independently interacted with by this Court. This Court is fully satisfied that the compromise entered into between the parties is voluntary, genuine and free from coercion or undue influence. The affidavit sworn by the third respondent clearly demonstrates her intention to continue the matrimonial relationship with the petitioner.

25. This Court consciously clarifies that the present order is rendered in the peculiar facts and exceptional circumstances of this case and shall not be treated as a precedent to routinely quash prosecutions under the POCSO Act, 2012, on the basis of compromise or marriage.

26. Cases involving force, coercion, manipulation, trafficking, abuse of dominance, habitual exploitation or predatory sexual conduct stand on an entirely different footing and cannot be equated with consensual adolescent relationships of the present nature.



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Epilogue:

27. The law must undoubtedly protect children from exploitation. Yet, the administration of criminal justice cannot be rendered blind to human realities, constitutional compassion and the larger welfare consequences emerging from exceptional factual situations.

28. Courts are ultimately guardians not merely of statutory text, but of substantive justice. The present case, in the considered opinion of this Court, warrants invocation of the inherent jurisdiction to secure the ends of justice rather than perpetuate avoidable suffering upon the victim, the petitioner and the child born to them.

29. In the result, this Criminal Original Petition stands allowed and the proceedings in Spl.S.C.No.342 of 2025 on the file of the learned Principal District Judge, Tenkasi District are hereby quashed. The Joint Memorandum of Compromise and the affidavit sworn by the third respondent/victim girl shall form part and parcel of this order.



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30. The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Tamil Nadu State Legal Services Authority, Madurai Bench of Madras High Court, within a period of four weeks from the date of receipt of a copy of this order and file proof of such payment before the Registry.

31. It is further made clear that this order shall not preclude the competent authorities from extending any lawful welfare, rehabilitative, educational or healthcare assistance to the victim girl and the minor child, if required, strictly in accordance with law. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

Sml

To

1.The Principal District Court,
Tenkasi District.

2.The Inspector of Police,
All Women Police Station Sankarankovil,
Tenkasi District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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