



Crl.OP(MD).No.5223 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.03.2026

CORAM :

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5223 of 2026

and

Crl.MP.(MD).No.5576 of 2026

Pavithra

...Petitioner/Victim

Vs

1. The State of Tamilnadu
Rep by The Inspector of Police,
All Women Police Station,
Palani,
Dindigul District.
Crime No.37/2024.

...1st Respondent/Complainant

2. Munidurai

3. Kavitha

4. Velusamy

... 2nd to 4th Respondents/1 to 3 Accused

5. Mallika

...5th Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for records in Spl SC No.199/2025 before the Learned Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul and to quash the same as against the petitioners and pass such further or other orders.

For Petitioner : M/s.S.C.Herold Singh

For Respondents : Mr.R.Meenakshi Sundharam
Addl. Public Prosecutor
for R1



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ORDER

The victim has filed the present petition seeking to quash the charge sheet in Spl.S.C.No.199 of 2025 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul as against the accused persons who are her parents, parents-in-law and husband.

2. The Respondent Nos.2 to 4 herein are the accused persons in the above said charge sheet, wherein, they are alleged to have committed offences under Sections 9 & 10 of the Prohibition of Child Marriage Act, 2006 and Section 5(1), 5(j)(ii), 6 & 17 of the Protection of Child from Sexual Offences Act, 2012 r/w.366 of IPC.

3. A perusal of the records reveals that the petitioner/victim is said to have eloped with the first accused and married him without the knowledge of her parents and she become pregnant. Thereafter, an FIR came to be registered in Cr.No.37 of 2024. The date of birth of the victim girl is 13.03.2007, and she attained majority on 13.03.2025. She married the first accused on 24.05.2023, and the marriage was registered before the Sub-Registrar Office, Chathirapatti, on 20.03.2026.



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4. The learned Counsel for petitioner relied upon the decision of this Court in the case of ***Vijayalakshmi and Ors. Vs State and Ors.*** reported in **2021 2 CTC 191.**

5. The victim is present in person before this Court and submits that she has married the first accused and does not wish to prosecute the case. It is also brought to the notice of this Court that she has given birth to a female child on 04.06.2024. She has agreed to the quashing of the charge sheet as against the petitioner.

6. Considering the fact that the petitioner/victim has married the first accused, who is arrayed as the second respondent herein, and she has given birth to a female child out of the said wedlock, no useful purpose would be served in continuing the prosecution against the accused persons, particularly when the quash petition has been filed by the victim herself. The petitioner/victim is present before this Court along with the female child and acknowledges that she seeks to quash the charge sheet. The petitioner/victim has also filed affidavit on 24.03.2026 before this Court. The relevant portion of the said affidavit is extracted hereunder :



"4. I state that the family members opposed to the marriage therefore we got married without the knowledge and consent of our family members. I state that I got conceive and went to the primary health centre for check-up where I was directed to consult Ottanchathiram Government Hospital. In the meantime, police came to our house and obtained signatures in the blank papers. I state that the 3rd & 4th respondents i.e., my father-in-law and my mother are no way connected with the offences as alleged.

5. I state that my husband i.e., 2nd respondent herein is taking care of myself and my child with utmost love affection and care, in the same manner the 3rd & 4th respondents are also hardly working for our well being. If any conviction is made, the petitioner as well as the child would be literally on the street. I state that I am the ultimate sufferer in all aspects in as much as my father also abandoned us and I do not want my child to undergo the same trauma. I with conscious am not interested in proceeding with the trial as against the 2nd and other respondents. The ordeal of trial may cause mental agony to me and my child. I do not want to proceed with the trial of the case."



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7. Considering the above said facts, the charge sheet in Spl.SC.No.199 of 2025 on the file of Special Court for Exclusive Trial of cases under POCSO Act, Dindigul stands quashed as against the accused persons. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

24.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
gvn

To

1. The Special Court for Exclusive Trial of cases under POCSO Act, Dindigul
2. The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

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