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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P.(MD)No.8807 of 2026

Ajay Sankar @ Ajay

...Petitioner/Sole Accused

Vs

1.The State of Tamilnadu,
Rep. by its, Deputy Superintendent of Police,
Puliyangudi Sub-Division,
Tenkasi District.

2.The State of Tamilnadu,
Rep. by its Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Crime No.165 of 2021).

...1st Respondent/Complainant

3.Kumar

...2nd Respondent/Defacto Complainant

4.XXXX

...3rd Respondent/Victim

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records in Spl.S.C.No.161 of 2025, on the 156/2025, on the file of the Principal District Judge for POCSO Cases, Tenkasi and quash the same against the petitioner.



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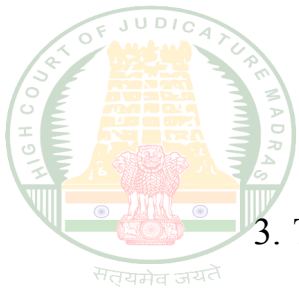


For Petitioner : Mr.K.P.S.Palanivelrajan
For R1 & R2 : Mr.B.Arun
Counsel for State of Tamilnadu
For R3 & R4 : Mr.T.Manikandan

ORDER

The present petition has been filed by the sole accused in Spl.S.C.No.161 of 2025, on the file of the Principal District Judge for POCSO Cases, Tenkasi, seeking to quash the charge sheet wherein the petitioner is charged with the offences under Sections 366, 376 IPC, u/s.5(l) r/w 6 of POCSO Act and u/s.3(1) (r), 3(1)(w)(i), 3(2)(v) of SC/ST (POA) Amendment Act, 2015.

2. The date of birth of the victim girl is 29.06.2003, and she attained the age of majority on 29.06.2021. The FIR has been registered just two months prior to the date of attaining the majority namely on 20.04.2021. The victim girl is now studying final year of law in a private Law College, Dindigul. She had appeared before this Court and submitted that she has no objection whatsoever for quashing of the charge-sheet and she intends to marry the sole accused at a later point of time. At this point of time, she would like to concentrate on her studies and she does not want to prosecute the case.



3. The victim girl has filed an affidavit before this Court on 22.06.2026.

Paragraph 5 of the affidavit is extracted as follows:-

“5. I respectfully state that the third respondent and myself submit that we were not interested in pursuing the complaint and further proceedings arising out of Crime No.165 of 2021 and the consequential final report and further. I and the third respondent has no objection in quashing the FIR, final report and all proceedings arising there from insofar as the petitioner is concerned.”

4. This Court has perused the statement of the victim girl recorded under Section 164 Cr.P.C. before the learned Judicial Magistrate, Tenkasi. A perusal of the said statement reveals that she has not supported the prosecution case and has stated that the sole accused is not known to her.

5. Considering the fact that the victim girl is now a final year law student and she can take a decision on her own, and in view of the statement recorded under Section 164 Cr.P.C., before the learned Judicial Magistrate, Tenkasi and the affidavit filed before this court, this Court is of the considered view that the continuation of the criminal case against the accused person would only be an abuse of process of law.

6. Considering the aforesaid facts, the charge sheet in Spl.S.C.No.186 of 2023, on the file of the Principal District Judge for POCSO Cases, Tenkasi, is



hereby quashed.

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7. Accordingly, this Criminal Original Petition stands allowed. The joint compromise memo shall form part and parcel of the order.

22.06.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

1. The Deputy Superintendent of Police,
Puliyangudi Sub-Division,
Tenkasi District.
2. The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
3. The Principal District Judge for POCSO Cases,
Tenkasi.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

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CrI.O.P.(MD)No.8807 of 2026

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