



Crl.A(MD)No.844 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

Crl.A(MD)No.844 of 2022

Thamaraiselvam

... Appellant/Accused No.1

Vs.

The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai District.
(Crime No.70 of 2019).

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C to call for the records relating to the Judgment passed by the Mahila Court (Sessions Judge), Pudukkottai in Spl.S.C.No.16 of 2019 dated 24.03.2022 and set aside the same.

For Appellant : Mr.P.Gunasekaran

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

This appeal arises out of the Judgment passed in Spl.S.C.No.16 of 2019, dated 24.03.2022, on the file of the Mahila Court (Sessions Judge), Pudukkottai, thereby convicting the appellant for the offences punishable under Section 363 and 5(L) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 (in short hereinafter referred to as 'the POCSO Act').

2.The case of the prosecution is that A.1 and A.2 are friends. The victim girl, while studying in the 10th standard, acquainted with A.1 and also fell in love with him. On 04.07.2019, at about 08.15 a.m., under the pretext of a love affair, A.1 kidnapped the minor victim girl in a four-wheeler while she was proceeding on



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her way to School. Thereafter, he forcibly had sexual intercourse with her several times. Both had stayed in the house of A.2. On the complaint lodged by the father of the victim girl, the respondent registered the F.I.R in Crime No.70 of 2019 for the offences punishable under Section 363 of I.P.C., and 5(L) read with Section 6 of the POCSO Act and Sections 17 and 21(1) of the POCSO Act. After completion of investigation, a final report was filed and the same has been taken cognizance by the trial Court.

3.The Trial Court framed charges for the offences punishable under Section 363 of I.P.C., and 5(L) read with Section 6 of the POCSO Act as against A.1 and A.2 was charged for the offences punishable under Sections 17 and 21(1) of the POCSO Act.

4.In order to bring the charges to home, the prosecution had examined P.W.1 to P.W.11 and marked Ex.P.1 to Ex.P.23. The prosecution produced Material Object M.O.1. On the side of the



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accused, he had examined D.W.1 and no documents were produced before the trial Court.

5.On perusal of oral and documentary evidence, the Trial Court found the appellant/A.1 guilty for the offences punishable under Section 363 and 5(L) read with Section 6 of the POCSO Act and acquitted A.2. A.1 was sentenced to undergo seven years Rigorous Imprisonment and to pay a fine of Rs.20,000/-, in default, to undergo one year Simple Imprisonment for the offence punishable under Section 363 of I.P.C. He was also sentenced to undergo life imprisonment and to pay a fine of Rs.25,000/-, in default, to undergo one year Simple Imprisonment for the offence punishable under Section 5(L) read with Section 6 of the POCSO Act. Aggrieved by the same, A.1 as appellant has preferred the present Appeal.

6.Heard the learned counsel appearing on either side and perused the materials available on record.



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7. On perusal of the records, it is revealed that while the trial in Spl.S.C.No.16 of 2019 was pending, the victim girl once again eloped with the appellant on 07.08.2021. Therefore, the father of the victim girl lodged complaint and the same has been registered in Crime No.266 of 2021 under 'girl missing'. Subsequently, the victim girl was secured and it was altered to offences punishable under Sections 366(A), 109 of I.P.C read with Sections 5(L) and 6(l) of the POCSO Act read with Section 9 of the Child Marriage Restraint Act, 2006, on the file of the very same respondent police herein. After completion of investigation, the respondent filed a final report and the same has been taken cognizance by the Trial Court in Spl.S.C.No.26 of 2022 on the file of the learned District and Sessions Judge, Mahila Court, Pudukkottai.

8. While the trial in that case was pending, the victim girl attained majority and the families of the appellant and the victim girl



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entered into a compromise. Subsequently, both got married after the victim girl attained majority and their marriage was solemnized on 05.03.2024. The marriage was also duly registered before the registering authority. Therefore, the appellant, other accused persons and the complainant filed a quash petition before this Court in Crl.O.P(MD)No.15792 of 2025 and the entire proceedings in Spl.S.C.No.26 of 2022 on the file of the learned District and Sessions Judge, Mahila Court, Pudukkottai, were quashed by this Court, by order dated 25.09.2025. However, even before the quashment of the subsequent proceedings, the trial in the present case had already commenced and the Trial Court convicted the appellant in Spl.S.C.No.16 of 2019, dated 24.03.2022.

9.In this regard, it is relevant to rely upon the Judgment of the Hon'ble Supreme Court of India in the case of ***Mahesh Mukund Patel Vs. State of Uttar Pradesh and others [2025 SCC Online SC 614]***, wherein it is held that in a case of this nature, where the



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victim, after attaining majority has married the accused and their marriage is also registered, no useful purpose would be served by continuing the prosecution and that it would cause undue hardship to all the parties concerned.

10.Now, the learned Additional Public Prosecutor appearing for the respondent confirmed that both the appellant and the victim girl have married, their marriage was duly registered with the registering authority and they are living happily, having given birth to a child.

11.In view of the above, in order to meet the ends of justice, if the conviction is allowed to stand, no useful purpose would be served. Therefore, the order of the conviction and sentence imposed on the appellant in Spl.S.C.No.16 of 2019 dated 24.03.2022, on the file of the Mahila Court (Sessions Judge), Pudukkottai, cannot be sustained and are liable to be set aside.

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12.In the result, this Criminal Appeal is allowed and the Judgment made in Spl.S.C.No.16 of 2019 dated 24.03.2022, on the file of the Mahila Court (Sessions Judge), Pudukkottai, is hereby set aside. The appellant is acquitted of all the charges. The bail bond, if any, executed by the appellant shall stand cancelled. The fine amount, if any paid, shall be refunded to the appellant. The appellant shall be set at liberty forthwith, if he is no longer required in connection with any other case.

**[G.K.I.J.,] & [R.P.J.,]
23.01.2026**

NCC :Yes/No
Index :Yes/No
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To

- 1.The Mahila Court (Sessions Judge),
Pudukkottai.
- 2.The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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