



Crl.OP(MD)No.22974 of 2025

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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.22974 of 2025**

Sahaya Darwin Deepak

... Petitioner/Accused

**Vs.**

1. The State of Tamilnadu,  
Rep. by the Inspector of Police,  
Valliyoor Police Station,  
Tirunelveli District.  
Crime No.7 of 2020

.... Respondent / Complainant

2. Legal cum Probation Officer,  
District Child Protection Unit,  
Government Observation Home Campus,  
Tirunelveli.

.... Respondents / Defacto  
Complainant

3. xxxxxxxx

..... Respondent / Victim

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and quash the proceedings in Spl.C.C. No. 84 of 2023 on the file of Sessions Judge, Mahila Court, Tirunelveli.



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For Petitioner : Mr.A.Arun Ramnath  
For R-1 : Mr.B.Thanga Aravindh,  
Government Advocate (Crl. side)  
For R-3 : Mr.L.Harith Sabari

**ORDER**

This Criminal Original Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the proceedings in Spl.C.C.No.84 of 2023 on the file of the learned Sessions Judge, Mahila Court, Tirunelveli, arising out of Crime No.07 of 2020 registered by the first respondent police for the offences under Section 366 IPC (corresponding to Section 87 BNS) and Sections 5(i), 5(j)(ii) and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution, in brief, is that the second respondent received information on 29.09.2020 that a minor girl aged about 15 years had married the petitioner aged about 19 years and had become pregnant. Upon enquiry, the said information was found to be true. Based on the complaint lodged by the second respondent, the present FIR came to be registered. After completion of investigation, the first respondent filed a final report and the same



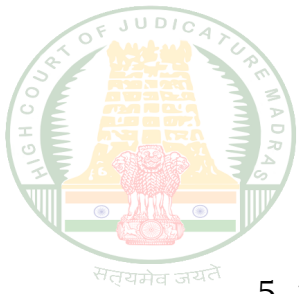
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was taken on file in Spl.C.C.No.84 of 2023 by the learned Sessions Judge, Mahila Court, Tirunelveli.

3. According to the petitioner, he and the third respondent/victim girl became acquainted with each other during a temple festival and gradually developed affection and love. Owing to youthful immaturity and without understanding the legal implications of their conduct, both of them eloped and got married on 22.10.2019. Subsequently, during medical examination, the authorities came to know about the age of the victim girl and the present FIR came to be registered.

4. It is further stated that notwithstanding the registration of the FIR, the petitioner and the victim girl continued to live together as husband and wife and were blessed with a female child on 05.12.2020. Thereafter, after the victim attained majority, both of them solemnised their marriage once again on 15.02.2023 and a marriage certificate dated 30.03.2023 was issued in their favour.



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5. The victim girl, who has now attained majority, has filed an affidavit before this Court categorically stating that she has been living happily with the petitioner, that the petitioner has been taking care of her and the child born out of the wedlock, and that she is no longer interested in pursuing the criminal proceedings. A Joint Memo of Compromise has also been filed by both parties.

6. Today, the petitioner and the victim woman are present before this Court in person and they were identified by the Sub-Inspector of Police attached to the first respondent police station. This Court interacted with the victim woman in-camera. She has unequivocally stated before this Court that she is presently residing with the petitioner as his wife, that they are leading a peaceful matrimonial life along with their minor child, and that she does not desire continuation of the criminal proceedings.

7. The learned counsel appearing for the petitioner submitted that the present case arose out of a consensual adolescent relationship and not out of any exploitative conduct. It was further submitted that continuation of the prosecution would irreparably



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destroy an already settled family unit and adversely affect the welfare of the child born to the parties. The learned counsel therefore prayed that this Court may exercise its inherent jurisdiction to secure the ends of justice.

8. Per contra, the learned Government Advocate submitted that the offences alleged are grave in nature and arise under the provisions of the POCSO Act, which is a special enactment intended to protect children from sexual offences. It was therefore contended that ordinarily such prosecutions cannot be quashed merely on the basis of compromise between parties.

9. This Court has anxiously considered the rival submissions and carefully perused the materials placed on record.

10. The law governing exercise of inherent jurisdiction under Section 482 CrPC / Section 528 BNSS is well settled. In **Gian Singh v. State of Punjab**<sup>1</sup>, the Hon'ble Supreme Court held that the High Court possesses wide inherent powers to quash criminal proceedings

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<sup>1</sup> 2012 10 SCC 303



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in order to secure the ends of justice or to prevent abuse of process of Court. However, the Hon'ble Supreme Court simultaneously cautioned that heinous offences or offences having grave societal impact ordinarily ought not to be quashed merely on the basis of compromise.

11. The principles governing compromise quashment were further crystallised in ***Parbatbhai Aahir v. State of Gujarat***<sup>2</sup> and reiterated in ***State of Madhya Pradesh v. Laxmi Narayan***<sup>3</sup>. There can be no quarrel with the proposition that offences under the POCSO Act are serious in nature and that the statute has been enacted with the avowed object of protecting children from sexual exploitation and abuse. Equally, this Court cannot lose sight of the fact that every case arising under the POCSO Act cannot be mechanically painted with the same brush irrespective of its factual background.

12. The present case, on a careful consideration of the materials on record, appears to have arisen out of a consensual

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<sup>2</sup> (2017) 9 SCC 641

<sup>3</sup> (2019) 5 SCC 688



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adolescent relationship between two young individuals belonging to the same locality, which subsequently culminated in marriage and parenthood. There are no allegations suggesting force, coercion, exploitation, trafficking, abuse of dominance, or predatory sexual conduct.

13. Significantly, the victim woman has now attained majority and has voluntarily appeared before this Court expressing her unequivocal desire to preserve the matrimonial relationship and protect the welfare of the child born out of the wedlock. She has further stated that the petitioner has been taking proper care of her and their child and that continuation of the prosecution would seriously prejudice their future life. This Court is satisfied that the compromise entered into between the parties is genuine, voluntary and devoid of any coercion or undue influence.

14. In the peculiar facts and circumstances of the present case, continuation of the criminal prosecution would not advance the object of the statute, but would instead result in destruction of an



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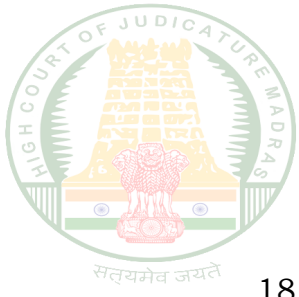
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already stabilised family unit and inflict further trauma upon the victim woman and the innocent child born to the parties.

15. This Court is conscious that such orders must be confined strictly to exceptional factual situations involving consensual adolescent relationships subsequently maturing into stable matrimonial unions and should not be construed as diluting the rigour or legislative intent of the POCSO Act in genuine cases involving child sexual abuse or exploitation.

16. Considering the totality of circumstances, this Court is of the considered opinion that this is a fit case warranting exercise of inherent jurisdiction under Section 528 BNSS to secure the ends of justice. Accordingly, the proceedings in Spl.C.C.No.84 of 2023 on the file of the learned Sessions Judge, Mahila Court, Tirunelveli, arising out of Crime No.07 of 2020 on the file of the first respondent police, are hereby quashed.

17. In view of the above, this criminal original petition is allowed.



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18. The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Madurai Bench High Court Advocates' Association E-Library Fund, Indian Bank, Madurai Bench of Madras High Court Branch, within a period of two weeks from the date of receipt of a copy of this order and file proof of such deposit before the Registry.

**01.06.2026**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
Sml

To

- 1.The Sessions Judge,  
Mahila Court, Tirunelveli.
- 2.The Inspector of Police,  
Valliyoor Police Station,  
Tirunelveli District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.**

Sml

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