



Crl.OP(MD)No.23290 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.23290 of 2025

and

Crl.M.P.(MD)Nos.20198 and 20200 of 2025

1. Muthukumar
2. Mariyappan
3. Anjalai
4. Murugan
5. Vairamani
6. Manikandan
7. Rajkumar

... Petitioners/Accused No.

Vs.

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
AWPS- Vadamadurai,
Dindigul District.
Crime No.23 of 2024.

.... Respondents / Complainants

2. Sugirthajulee

..... Respondent /
Defacto Complainant



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..... Respondent / Victim

4.The Secretary to Government,
Home, Prohibition and Excise
Department, Fort St. George,
Chennai.

5.The Secretary,
Directorate of Social Welfare,
Fort St. George,
Chennai.

6.The Secretary,
Department of Law and Justice,
Fort St. George,
Chennai.

7.The District Collector,
Madurai District.

8.The District Social Welfare Officer,
Madurai District. Respondents

*(Respondents No.4 to 8 are suo-motu impleaded vide
Court order dated 01.06.2026 made in Crl.O.P.(MD)No.
23290 of 2025)*

Prayer: Criminal Original Petition is filed under Section 528 of
BNSS, 2023, to call for the records in connection with the impugned
trial proceedings in Spl.S.C. No. 195 of 2025 pending on file of the
learned Sessions Judge, Pocso Court, Dindigul and quash the same.

For Petitioners : Mr.N.Satheesh Babu



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

For R-3 : Mr.R.Lingeshwaran

For R-4 to R-8 : Mr.Ajmal Khan,
Additional Advocate General,
Assisted by,
Mr.Muthu Manickkam,
Government Advocate

ORDER

Prologue:

This Criminal Original Petition presents before this Court a deeply disturbing constitutional paradox where a child appeared before this Court carrying another child in her hands and simultaneously pleading for judicial protection of what was described as her “romantic matrimony”. The present case is not merely a prosecution under the Protection of Children from Sexual Offences Act, 2012, and the Prohibition of Child Marriage Act, 2006. It is a painful reflection of how childhood itself can collapse under the weight of social vulnerabilities, emotional immaturity, economic helplessness and systemic failures.

2. The Protection of Children from Sexual Offences Act, 2012, is not a legislation enacted merely to punish offenders. It is a



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constitutional assurance intended to preserve childhood, bodily autonomy, dignity and emotional safety of children. Equally, the Prohibition of Child Marriage Act, 2006, was enacted to prevent children from entering premature marital relationships that permanently disrupt education, emotional development, reproductive health and social independence.

3. However, despite the existence of these legislations, this Court is confronted with a tragic situation where a victim child aged merely 15 years and 7 months has already become the mother of another child. The child victim appeared before this Court fragile in appearance, emotionally attached to the first petitioner and enthusiastically asserting that she was living happily with him. Yet, this Court cannot lose sight of the hard constitutional reality that she herself continues to be a child in the eyes of law.

4. This Court remained a mute spectator when parties filed a Joint Compromise Memo before this Court and a child mother appeared carrying her infant child pleading that her romantic matrimony should be protected. The constitutional conscience of this



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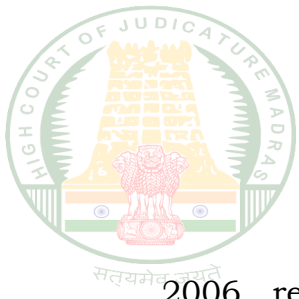
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Court cannot permit reduction of child protection laws into mere compromise settlements when the victim herself continues to remain a minor child incapable of legally consenting either to marriage or to continued cohabitation.

Case of the prosecution:

5. The prosecution case is that the first petitioner and the third respondent/victim were close relatives and due to such acquaintance, both fell in love during the year 2024. It is alleged that thereafter both families solemnised their marriage on 21.02.2024 at Murugan Temple, Pudhu Road, Kallukottai, Vendasandur Taluk, Dindigul District. Subsequently, the third respondent conceived and during medical examination at Government Hospital, Dindigul, it was revealed that she was aged about 16 years.

6. Based on the information received from the hospital authorities and complaint of the second respondent, the first respondent police registered a case in Crime No.23 of 2024 for offences under Section 9 of the Prohibition of Child Marriage Act,



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2006, read with Sections 5(1), 5(j)(ii) and 6 of the Protection of Children from Sexual Offences Act, 2012.

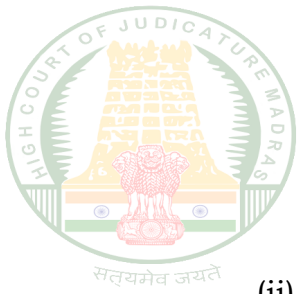
7. After completion of investigation, final report was filed and the same was taken cognizance as Spl.S.C.No.195 of 2025 on the file of the learned Sessions Judge, POCSO Court, Dindigul, for offences under Section 9 of the Prohibition of Child Marriage Act, 2006, read with Sections 5(1), 5(j)(ii), 5(n), 6, 10 and 17 of the POCSO Act, 2012.

8. The admitted date of birth of the victim is 27.10.2009. Therefore, on the date of alleged marriage as well as on the date of conception and childbirth, the victim was undeniably a child within the meaning of the POCSO Act and the Prohibition of Child Marriage Act.

Grounds for quash:

9. The petitioners seek quashment mainly on the following grounds:

(i) that the first petitioner and third respondent were in a romantic relationship;



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(ii) that the marriage was performed with consent of both families;

(iii) that the victim and first petitioner are stated to be living happily;

(iv) that they were blessed with a female child named “Koshika Sree” born on 21.05.2025;

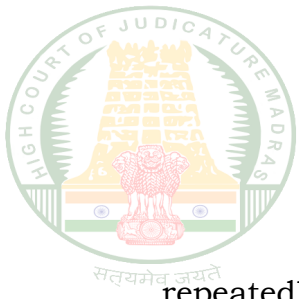
(v) that continuation of prosecution would destroy family life;

(vi) that compromise memo has been entered into; and

(vii) that the matter falls under the category of so-called “Romeo-Juliet” cases.

10. During hearing, the victim appeared before this Court along with the infant child. An in camera interaction was conducted by this Court to ascertain her present circumstances and emotional condition.

11. During interaction, the victim expressed affection towards the first petitioner and stated that she was living happily. However, the Court could visibly perceive her emotional fragility, immaturity and continuing dependence upon surrounding adults. This Court



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repeatedly asked itself a troubling constitutional question: can a child who herself requires care and protection meaningfully undertake motherhood and marital responsibilities?

12. The answer, in the considered opinion of this Court, must necessarily be approached from the standpoint of constitutional child protection and not merely emotional assertions of temporary matrimonial satisfaction.

Submissions on either side:

13. The learned counsel appearing for the petitioners submitted that the relationship arose out of youthful love and not out of predatory sexual conduct. It was further submitted that the victim and first petitioner are presently living together and that a child has been born from the relationship. Reliance was placed upon certain decisions wherein Courts have exercised inherent powers in exceptional “Romeo-Juliet” situations.

14. Per contra, the learned Government Advocate opposed the quash petition contending that the victim continues to remain a



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minor child and that the offences under the POCSO Act cannot be quashed merely on the basis of compromise.

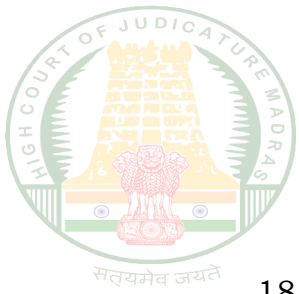
15. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

16. The principal point that arises for consideration is whether this Court can quash the final report in Spl.S.C.No.195 of 2025 on the basis of compromise when the victim herself continues to remain a minor child aged about 15 years and 7 months?

Analysis:

17. At the outset, this Court is unable to accept the proposition that the present case can be mechanically treated as a routine compromise-based Romeo-Juliet case. The jurisprudential foundation underlying exceptional compromise quashment in adolescent romantic relationship cases proceeds on a delicate balancing exercise where continuation of prosecution may ultimately destroy settled adult matrimonial life.



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18. However, the present case stands on a fundamentally different footing. Here, the victim herself continues to remain a child. The admitted date of birth of the victim is 27.10.2009. She has not attained majority even as on date. The child victim is now the mother of another child born on 21.05.2025.

19. Yet, constitutional protection owed to her as a child cannot disappear merely because she has become a mother. Child protection laws do not recognise legal consent of a minor for marriage or sexual relationship. Equally, permitting continued cohabitation of a minor child with the first petitioner till she attains majority itself enters into legally impermissible territory. This Court cannot shut its eyes to the continuing nature of the vulnerability involved.

20. The POCSO Act criminalises penetrative sexual assault upon children irrespective of ostensible consent. Section 5(j)(ii) specifically contemplates aggravated penetrative sexual assault resulting in pregnancy of a child. Section 5(n) contemplates repeated

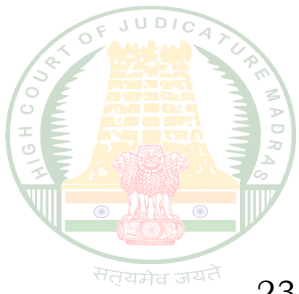


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penetrative sexual assault. Section 6 prescribes punishment for aggravated penetrative sexual assault.

21. Therefore, the statutory framework itself treats pregnancy of a child as an aggravating circumstance and not as a legitimising factor. Equally, the Prohibition of Child Marriage Act seeks to prevent solemnisation and continuation of child marriages. Merely because parties describe their relationship as matrimonial harmony, the Court cannot legitimise a continuing child marriage relationship contrary to statutory mandate. This Court is therefore unable to quash the prosecution solely on the basis of compromise.

22. Simultaneously, this Court is constrained to record serious concern regarding the complete absence of sustained rehabilitative intervention from the State machinery. The second respondent Probation Officer, apart from initiation of criminal proceedings, appears not to have undertaken any meaningful rehabilitative or protective mechanism securing educational continuity, emotional rehabilitation or independent welfare assessment of the victim child mother.



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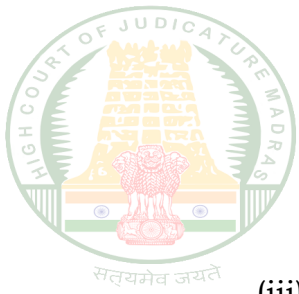
23. Criminal prosecution alone cannot become the entire response of a welfare State. Rescue without rehabilitation is only incomplete justice. The victim child mother requires psychological support, educational continuity, nutritional assistance, parenting assistance, legal protection and long-term rehabilitative monitoring. The constitutional obligation of the State does not end with registration of FIR.

24. Therefore, though this Court is not inclined to quash the proceedings, the peculiar facts demand calibrated judicial intervention balancing statutory mandate and welfare concerns.

25. In view of the peculiar facts and circumstances of the case and in order to secure effective rehabilitative measures for the victim, this Court suo motu impleads the following authorities as respondent Nos.4 to 8:

(i) The Secretary to Government, Home, Prohibition and Excise Department, Fort St. George, Chennai.

(ii) The Secretary, Directorate of Social Welfare, Fort St. George, Chennai.



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(iii) The Secretary, Department of Law and Justice, Fort St.
George, Chennai.

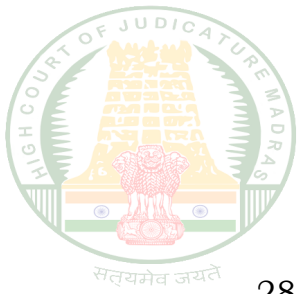
(iv) The District Collector, Madurai District.

(v) The District Social Welfare Officer, Madurai District.

26. Registry is directed to carry out necessary amendments in
the cause title.

27. Respondent Nos.4 to 6 are directed to consider formulation
of a coordinated rehabilitative framework for victims of child
marriage and POCSO offences focusing upon:

- (i) trauma-sensitive intervention;
- (ii) child psychology support;
- (iii) ethical interviewing practices;
- (iv) prevention of secondary victimisation;
- (v) educational continuity;
- (vi) awareness generation; and
- (vii) sustained rehabilitation and reintegration.



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28. The 1st respondent police is directed to produce the petitioner and the victim mother before Ms.Mohana Priya, Regional Psychologist, Department of Child Welfare and Special Services, Madurai; and Ms.P.Prema Latha, Chairperson, Child Welfare Committee, Madurai for an elaborate counselling session sensitizing both of them that second pregnancy is strictly prohibited till the victim attaining her age of majority.

29. The first petitioner along with the victim is directed to appear before the second respondent on the first Monday of every month. The second respondent is directed to forward monthly reports regarding the well-being, safety, educational continuity and emotional condition of the victim to the 8th respondent.

30. The 8th respondent shall in turn submit quarterly reports before the learned Sessions Judge, POCSO Court, Dindigul, in Spl.S.C.No.195 of 2025 till 27.10.2027, namely the date on which the victim attains majority. Till 27.10.2027, further proceedings in Spl.S.C.No.195 of 2025 shall remain stayed.



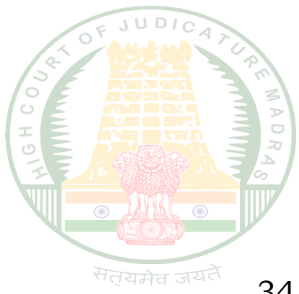
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31. Post the matter on 27.10.2027, if even thereafter the victim voluntarily desires to continue relationship with the first petitioner after attaining majority, it is open to the victim and the petitioners to approach this Court afresh by filing appropriate petition under Section 528 BNSS, 2023, along with proof of legally valid marriage.

Epilogue:

32. Courts dealing with child protection laws are often confronted not merely with legal disputes, but with broken childhoods. This case painfully demonstrates how childhood itself can disappear before law succeeds in reaching the child.

33. The answer therefore lies neither in blind criminalisation nor in mechanical compromise quashment, but in a constitutionally sensitive balancing process preserving both statutory discipline and rehabilitative justice.



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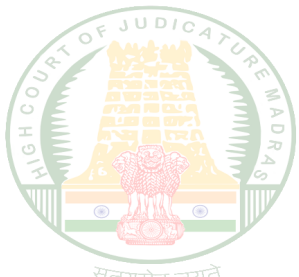
34. This Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed.

01.06.2026

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

- 1.The Sessions Judge,
Pocso Court,
Dindigul.
- 2.The Inspector of Police,
AWPS- Vadamadurai,
Dindigul District.
- 3.Sugirthajulee,
Probation Officer (Legal),
District Child Protection Office,
Dindigul District.
- 4.The Secretary to Government,
Home, Prohibition and Excise
Department, Fort St. George,
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- 5.The Secretary,
Directorate of Social Welfare,
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Chennai.



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- 6.The Secretary,
Department of Law and Justice,
Fort St. George,
Chennai.
- 7.The District Collector,
Madurai District.
- 8.The District Social Welfare Officer,
Madurai District.
9. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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