



Crl.OP(MD)No.654 of 2026

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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.654 of 2026

and

Crl.M.P.(MD)No.679 of 2026

N.Vetrivel

... Petitioner/Accused No.

Vs.

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
AWPS-Thilagar Thidal,
Madurai City,
Madurai District.

.... Respondent / Complainant

2. xxxxxx

..... Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the Special Court for POCSO cases, Madurai to call for the records in Spl.S.C. No.112 of 2024 on the file of the learned Special Court for POCSO Cases, Madurai and quash the same.



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For Petitioner : Mr.A.B.Jeeva
For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)
For R-2 : Mr.M.Charan Kumar

ORDER

Prologue:

The present Criminal Original Petition presents before this Court a deeply delicate and emotionally layered issue arising out of what is commonly described in judicial discourse as a “Romeo-Juliet” relationship, where two young individuals, driven by emotional attachment and adolescent affection, entered into a consensual relationship culminating in marriage and parenthood, but which nevertheless attracted the rigours of the Protection of Children from Sexual Offences Act, 2012, owing to the statutory age of the victim at the relevant point of time.

2. The case reflects the recurring dilemma faced by Constitutional Courts while balancing the legislative mandate underlying the POCSO Act, 2012, with the ground realities of consensual adolescent relationships, particularly where the victim, after attaining majority, unequivocally expresses her desire to



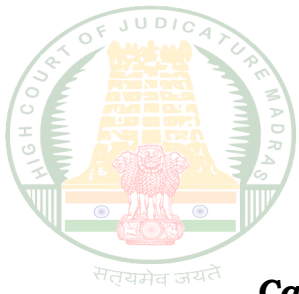
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continue the marital relationship and seeks quashment of the criminal proceedings in order to preserve the family unit.

3. The Hon'ble Supreme Court as well as this Court have repeatedly lamented the increasing criminalisation of adolescent romantic relationships under the POCSO regime, especially in cases where there is no element of exploitation, coercion, deceit, force or predatory conduct, but only a consensual emotional relationship between teenagers. Such cases have often been characterised as "Romeo-Juliet cases".

4. The petitioner seeks quashment of the proceedings in Spl.S.C.No.112 of 2024 pending on the file of the learned Special Court for POCSO Cases, Madurai, on the strength of a compromise memo, the subsequent marriage between the petitioner and the victim, and the categorical stand taken by the victim after attaining majority.



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Case of the prosecution:

5. The prosecution case, in brief, is that on 05.03.2024, based on information received from the Government Rajaji Hospital Police Outpost, the respondent police proceeded to the hospital and recorded the statement of the victim girl namely XXXXXX, who was then aged about 16 years and admitted for delivery.

6. According to the victim's statement, while she was studying in 11th Standard at Capron Hall School, she became acquainted with the petitioner/accused Vetrivel, who was employed in a nearby Bun Parotta shop. Their acquaintance gradually developed into a love affair. Thereafter, without the knowledge of their respective parents, they allegedly got married on 03.03.2023 at Sonaikaruppar Temple, Kovilpappakudi. The petitioner was aged about 16 years at the time of marriage.

7. The further allegation is that the petitioner and the victim lived together as husband and wife and had repeated sexual intercourse, resulting in pregnancy. On 04.03.2024, the victim was



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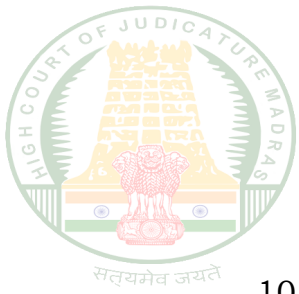
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admitted to the hospital for delivery, which led to the registration of FIR in Crime No.5 of 2024 by the first respondent police.

8. Based on the said allegations, the respondent police registered the case for offences under Section 9 of the Prohibition of Child Marriage Act, 2006 and Sections 5(l), 5(j)(ii) and 6 of the Protection of Children from Sexual Offences Act, 2012. After investigation, final report came to be filed and the same was taken cognizance in Spl.S.C.No.112 of 2024 by the learned Special Court for POCSO Cases, Madurai.

Grounds for quash:

9. The learned counsel appearing for the petitioner submitted that the entire occurrence arose out of a consensual romantic relationship between the petitioner and the victim and there was absolutely no allegation of force, threat, coercion, inducement or exploitation. It was further contended that the victim has now attained majority and is presently aged about 19 years. The petitioner and the victim are now living together as husband and wife and they have been blessed with two female children.

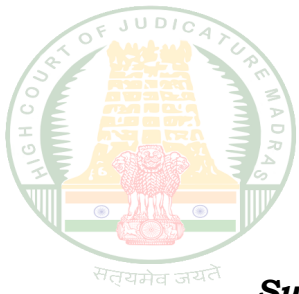


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10. The learned counsel submitted that a Joint Compromise Memo has been filed before this Court and both the petitioner and the second respondent appeared before this Court in person and expressed their desire to continue their marital life peacefully. The learned counsel further submitted that continuation of the prosecution would irreparably damage the family structure already established between the parties and would ultimately jeopardise the welfare and future of the two minor children born out of the wedlock. Reliance was placed upon the judgment of the Hon'ble Supreme Court in ***Parbatbhai Aahir v. State of Gujarat***¹ and the judgment of this Court in ***Sabari@ Sabarinathan@Sabarivasan Vs The Inspector of Police, Belukurichi Police Station & others***², wherein this Court recognised the peculiar nature of adolescent romantic relationships falling within the “Romeo-Juliet” category. The learned counsel also produced the marriage certificate between the petitioner and the victim along with the Joint Compromise Memo and affidavit sworn to by the second respondent/victim.

¹ (2017) 9 SCC 641

² Crl.ANo.490 of 2018 dated 26.04.2019



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Submissions of the second respondent / victim:

11. The second respondent appeared before this Court in person and categorically stated that she had voluntarily entered into the relationship with the petitioner out of love and affection and that she is presently living happily with him as his legally wedded wife.

12. The second respondent further stated that she has attained majority, that she and the petitioner have been blessed with two female children, and that continuation of the criminal proceedings would destroy the peaceful marital life presently enjoyed by them. She also affirmed before this Court that the compromise was entered into voluntarily, without coercion, compulsion or undue influence of any nature whatsoever.

Response of the prosecution:

13. The learned Government Advocate (Criminal Side) submitted that the offences alleged are grave offences under the POCSO Act, 2012, and ordinarily such offences cannot be quashed merely on the basis of compromise between the parties. However, the learned Government Advocate fairly submitted that the victim has



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attained majority and has appeared before this Court in person expressing her willingness to continue the marital relationship with the petitioner.

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

Point for consideration:

15. The principal point that arises for consideration in this petition is whether this Court, in exercise of its inherent jurisdiction under Section 528 BNSS, can quash the criminal proceedings in Spl.S.C.No.112 of 2024 arising out of offences under the POCSO Act, 2012, and the Prohibition of Child Marriage Act, 2006, considering the peculiar facts of the case, the consensual nature of the relationship, the subsequent marriage between the parties, the birth of two children, and the voluntary compromise entered into by the victim after attaining majority?



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Analysis:

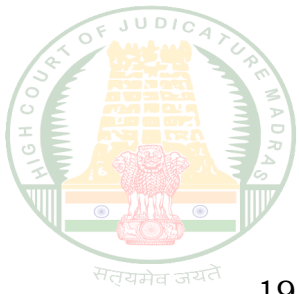
16. The inherent power of the High Court under Section 528 BNSS corresponding to Section 482 Cr.P.C. is intended to prevent abuse of process of Court and to secure the ends of justice.

17. In ***Gian Singh v. State of Punjab***³, the Hon'ble Supreme Court authoritatively held that even in respect of non-compoundable offences, the High Court may quash criminal proceedings where the dispute is overwhelmingly private in nature and continuation of prosecution would amount to abuse of process.

18. In ***Parbatbhai Aahir v. State of Gujarat***⁴, the Hon'ble Supreme Court crystallised the governing principles for exercise of inherent jurisdiction on the basis of compromise and held that the paramount consideration is whether continuation of proceedings would secure the ends of justice or defeat them.

³ 2012 10 SCC 303

⁴ (2017) 9 SCC 641



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19. Equally, in ***State of Madhya Pradesh v. Laxmi Narayan***⁵, the Hon'ble Supreme Court cautioned that heinous and serious offences having grave societal impact ordinarily ought not to be quashed merely on the basis of settlement.

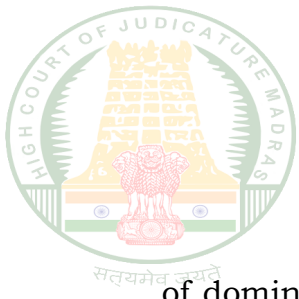
20. Therefore, this Court is conscious that offences under the POCSO Act cannot be treated lightly and that the legislative object underlying the enactment is the protection of children from sexual exploitation and abuse.

Nature of Allegations in the Present Case:

21. However, the peculiar factual matrix of the present case requires a deeper judicial scrutiny beyond a mere mechanical application of statutory provisions. A careful reading of the FIR, final report, Joint Compromise Memo and affidavit of the victim reveals that the entire prosecution arose out of a consensual adolescent romantic relationship between the petitioner and the victim.

22. Significantly, there is no allegation whatsoever of force, coercion, intimidation, manipulation, trafficking, inducement, abuse

⁵ (2019) 5 SCC 688



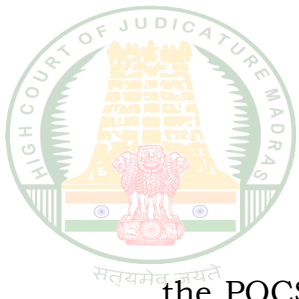
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of dominance or sexual predation. The materials available on record unmistakably disclose that both parties voluntarily entered into the relationship out of emotional attachment and affection.

23. The victim herself has categorically stated before this Court that she voluntarily married the petitioner and is presently living happily with him along with their two female children. This Court also interacted with the second respondent in person. Her statement appears voluntary, natural and free from external influence.

Romeo-Juliet Cases and Judicial Concerns:

24. The present case falls within what Courts have repeatedly described as a “Romeo-Juliet” case. The expression “Romeo-Juliet” case has been judicially employed to describe consensual romantic relationships between adolescents or young persons close in age, where the relationship is subsequently criminalised solely because one of the parties had not attained the statutory age of consent. The Hon’ble Supreme Court as well as various High Courts have repeatedly expressed concern over the indiscriminate application of



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the POCSO Act in such cases, particularly where the relationship is neither exploitative nor abusive in nature.

25. In ***Sabari@ Sabarinathan@Sabarivasan Vs The Inspector of Police, Belukurichi Police Station & others⁶***, this Court elaborately discussed the socio-legal realities surrounding consensual adolescent relationships and emphasised the need for a nuanced judicial approach in appropriate cases. This Court is conscious that the object of the POCSO Act, 2012, is not to punish genuine romantic relationships between adolescents, but to protect children from sexual assault, exploitation and predatory conduct.

26. Mechanical continuation of prosecution in every such case, irrespective of the surrounding circumstances, may sometimes produce consequences contrary to the interests of justice.

Effect of Subsequent Marriage and Welfare of Children:

27. In the present case, the petitioner and the victim are now married and are living together as husband and wife. Two female children have been born out of the relationship. The continuation of

⁶ Crl.ANo.490 of 2018 dated 26.04.2019



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criminal prosecution at this stage would not only destabilise the existing family structure but would also seriously prejudice the welfare and future of the innocent children born from the relationship.

28. This Court cannot lose sight of the fact that criminal law, though punitive in nature, cannot be applied in a manner that ultimately destroys a settled family unit where the victim herself seeks preservation of the relationship. The ultimate objective of the justice delivery system is not merely punitive formalism, but securing substantive justice in the peculiar facts and circumstances of each case.

29. In view of the categorical stand taken by the victim after attaining majority, the possibility of securing conviction appears extremely remote and bleak. The victim has unequivocally stated that she does not wish to prosecute the petitioner and that continuation of proceedings would adversely affect her marital and family life. Under such circumstances, continuation of the



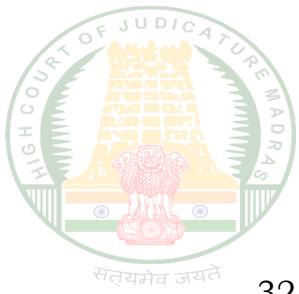
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prosecution would serve no fruitful purpose and would merely amount to abuse of process of Court.

Epilogue:

30. This Court is fully conscious of the sanctity and legislative purpose of the POCSO Act. At the same time, Constitutional Courts cannot remain oblivious to the lived realities of adolescent relationships and the need to distinguish exploitative sexual conduct from consensual youthful relationships lacking criminal intent or predatory behaviour. The present case does not portray a story of exploitation. Rather, it reflects a youthful emotional relationship which, though falling foul of statutory age prescriptions, has matured into a settled marital life with two children.

31. Courts must exercise extreme caution in such matters. This order shall therefore be treated as one rendered in the peculiar facts and circumstances of the present case and shall not be construed as diluting the rigour or object of the POCSO Act, 2012.



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32. Considering the totality of circumstances, this Court is of the considered view that continuation of the criminal proceedings would amount to abuse of process of Court and that quashment alone would secure the ends of justice.

33. Accordingly, this Criminal Original Petition stands allowed and the proceedings in Spl.S.C.No.112 of 2024 on the file of the learned Special Court for POCSO Cases, Madurai are hereby quashed. The Joint Compromise Memo shall form part and parcel of this order.

34. The petitioner and the second respondent, who are present before this Court in person, are identified by the respondent police. This Court is satisfied that the compromise entered into between the parties is voluntary and genuine.

35. In order to promote legal awareness among vulnerable children and adolescents regarding child rights, child protection laws and responsible relationships, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the State



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Legal Services Authority, Madurai bench of Madras High Court within a period of two weeks from the date of receipt of a copy of this order and file proof of compliance before the Registry. Consequently, connected miscellaneous petition is closed.

01.06.2026

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

To

- 1.The Judge,
Special Court for POCSO Cases,
Madurai.
- 2.The Inspector of Police,
AWPS-Thilagar Thidal,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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