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CrI.O.P.Nos.4998 & 2984 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17 .04.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.Nos.4998 & 2984 of 2026  
and CrI.M.P.No.2054 of 2026

CrI.O.P.No.4998 of 2026

1.Arunkumar  
2.Saritha

... Petitioners

Vs.

The State of Tamil Nadu rep. by  
The Inspector of Police,  
Pochampalli Police Station,  
Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to call for records and quash the charge  
sheet against the petitioners/Accused 1 and 4 in Spl.S.C.No.42 of 2025 in  
Crime No.352 of 2024 on the file of the Fast Track Mahila Court,  
Krishnagiri.

For Petitioner : Mr.V.Vasudevan

For Respondent : Mr.Leonard Arul Joseph Selvam  
Additional Public Prosecutor



Crl.O.P.Nos.4998 & 2984 of 2026

Crl.O.P.No.2984 of 2026

1.Pragash  
2.Perumal  
3.Murugammal

... Petitioners

Vs.

1.The State of Tamil Nadu rep. by  
The Inspector of Police,  
Pochampalli Police Station,  
Krishnagiri District.  
(Cime No.352 of 2024)

2.Saritha

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for records and quash the charge sheet against the petitioners/Accused 2, 5 and 6 in Spl.S.C.No.42 of 2025 in Crime No.352 of 2024 on the file of the Fast Track Mahila Court, Krishnagiri.

For Petitioner : Mr.P.Kishore  
For Respondent : Mr.Leonard Arul Joseph Selvam  
Additional Public Prosecutor

COMMON ORDER

Criminal Original Petitions filed to quash the proceedings in Spl.S.C.No.42 of 2025, pending on the file of the Fast Track Mahila Court, Krishnagiri against the petitioners/A1, A2, A4, A5 and A6.



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2. Since both the Criminal Original Petitions are arising out of case in Spl.S.C.No.42 of 2025, this Court disposes both these petitions, by way of common order. For the sake of convenience and clarity, the petitioners are referred to as per their ranking in the charge sheet.

3. The petitioners in Crl.O.P.No.4998 of 2026 are A1 and A4, the petitioners in Crl.O.P.No.2984 of 2026 are A2, A5 and A6 in Spl.S.C.No.42 of 2025. A3 in this case is no more.

4. The case of the prosecution is that the victim in this case is aged about 17 years, A3 and A4 are the parents of the victim, A5 and A6 are the parents of A2 and A1 is the person who kidnapped the victim girl and was living with her in Coimbatore. A3 and A4, father and mother of the victim on 14.06.2024 informed the neighbours and others that their daughter was found missing. Later it was found that A1 was also missing and hence, a complaint was lodged by A4 at Kallavi Police Station for girl missing. On the complaint, a case in Crime No.136 of 2024 for the offence under Section 366 IPC registered, A4 was shown as LW1, A3 as LW2 and statement of 11



witnesses recorded. During investigation, it came to know that on

09.06.2024, marriage was conducted to the victim girl by her parents in

Palaniandavar Temple, Pochampalli. The victim girl was a minor and hence,

on the directions of Superintendent of Police, case was transferred from

Kallavi Police Station to Pochampalli Police Station and case in Crime

No.352 of 2024 for the offence under Section 366 IPC and Sections 5(l), 5(j)

(ii) r/w. 6(1), 11(4) r/w. 12 of POCSO Act and Sections 9 and 10 of

Prohibition of Child Marriage Act, 2006 registered against A1 to A6. During

enquiry with the victim girl, it came to know that her date of birth is

28.02.2007, she is staying in her maternal grandmother's house from her

young age and in the opposite house, A1 was staying and he was interested

on the victim from her young age. Both A1 and victim were in a love

relationship. The maternal grandmother on coming to know about the same

sent the victim to her parents house where the victim continued her

relationship with A1 and talking to him over phone regularly which was

objected by her parents. Thereafter, the parents of the victim discontinued

her studies and in a secretive manner made arrangement for marriage with

A2/Pragash and marriage was held in Palaniandavar Temple, Pochampalli.

The parents of both A2 and the victim participated in the marriage. The



victim was not happy with the marriage, she called A1 on 14.06.2024 and forced him to take her away. On the same day, A1 took the victim in a bike and they left to Krishnagiri via Salem and reached Coimbatore on 17.06.2024, both went to Marudhamalai Temple and A1 tied Thali to the victim. Earlier Thali tied by A2 was snatched and thrown away. They rented a house in Coimbatore and living as husband and wife for 1½ months, at that time, they had physical relationship. On coming to know about the complaint lodged by victim's mother and Police were in search of victim and A1, the victim was produced before the respondent police by A1 and she disclosed the entire happenings as to how she was forcibly married to A2 by her parents. Thereafter the victim was referred to One Stop Centre in Krishnagiri where the Child Protection Officer enquired her and she gave a statement. On completion of investigation, charge sheet filed in this case.

5.The contention of the learned counsel for the petitioner is that the victim completed 17 years of age and she was short of few months to attain majority. A1 and victim were in love for more than five years, at that time, the victim was living with her maternal grandmother and later on coming to know about her love affair, her grandmother sent back the victim to her



parents house but the bondage between victim and A1 was so strong, the victim continued to talk with A1 over phone regularly. This was noticed by A3 and A4, parents of the victim, who warned the victim and since she was adamant, they discontinued her studies and she was forcibly given marriage to A2. A5 and A6 are the parents of A2. To cover up the child marriage, A4 lodged a complaint to Kallavi Police Station and case registered as girl missing. Later, when the victim girl was secured, child marriage between victim and A2 conducted by A3 to A6 was revealed, thereafter case altered and on completion of investigation, charge sheet filed. He further submitted that A2, A5 and A6 are the bridegroom and parents of the bridegroom, they are not aware of the age of the victim and as per the custom and after concurrence of both families, marriage was held in a temple in a free and fair manner. Had the victim was sure that she was a minor and she opposed the marriage, she could have informed the family members and friends who participated in the marriage or at least to the temple poojari who performed the marriage but she kept quiet. After marriage, the victim was staying with A2 for few days and thereafter she eloped, for which A2 to be charged for penetrative sexual assault, A5 and A6 charged for child marriage is not sustainable.



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6.The learned counsel for the petitioners further submitted that the victim girl and A1 had a love affair for more than five years which was opposed by the victim's parents but the victim was so adamant and strong on her love relationship, she called A1 and forced him to take her away otherwise she would end her life by committing suicide. Left with no other option, to save the victim girl and considering the past love relationship between them and further, the victim informed him that she already attained majority, A1 accompanied her and took her to several places and finally, both of them were living in Coimbatore as husband and wife. For this act, A1 cannot be charged for penetrative sexual assault.

7.The learned counsel for the petitioners submitted that A3, father of the victim girl died and hence, the charge against him stands abated. As regards A4, mother of the victim she is an illiterate, there is no birth certificate for the victim, she was joined in a School and the School authorities on their own registered the date of birth of the victim. According to A4, the victim girl attained majority and not willing to accede to the love affair of victim girl with A1, marriage with A2 was fixed and it was held in a temple in public. The victim agreed for the marriage and later for some



reason she changed her mind, for which A4/mother of the victim cannot be charged under Child Marriage Act.

8.Be that as it may, the learned counsel for the petitioners submitted that now A2 walked away from the marital life with the victim and after attaining majority, the victim girl married A1 and living as husband and wife happily. Now the victim and A1 filed a joint compromise memo confirming their marriage.

9.The learned Additional Public Prosecutor submitted that initially mother of the victim girl lodged a complaint at Kallavi Police Station, based on which, case registered for girl missing. During investigation, statement of witnesses recorded and the case was pending. The victim girl was secured and she disclosed about the forcible child marriage conducted by her parents with A2 and the parents of A2 also knowing that it was a child marriage agreed for the same. Thereafter, on the point of jurisdiction case was transferred to Pochampalli Police Station after getting appropriate orders from the Superintendent of Police and re-numbered as Crime No.352 of 2024. The statement of victim and the witnesses recorded, the victim, A1



and A2 were produced for medical examination, medical records collected

and the victim gave statement before the Magistrate. The victim reiterated

her love affair with A1 for five years which was opposed by her parents and

she continued to talk with A1. Thereafter, forcible child marriage was

conducted between the victim and A2, it was the victim who called A1 and

both eloped. These facts have been narrated consistently by the victim in all

her statements. The victim is not willing to go with her parents and she was

staying with One Stop Centre and later the victim after attaining majority

married A1 in a temple at Palacode on 25.08.2025 and they were living as

husband and wife. Since the marriage between A2 and the victim was a void

marriage, it was left as it is. On conclusion of investigation, charge sheet

filed listing LW1 to LW19 and documents. The Trial Court took the case on

file and at that stage, the present petition is filed. He further submitted that

compromise entered into, the victim attained majority and not willing to

proceed with the case against A1 or any of the accused. A1 and A3 are

husband and mother of the victim. A2, A5 and A6 disclose that they were

not aware about the victim not attaining majority. Now they are willing to

move away from the victim and they have no connection with the victim or

her family members of A1 in any manner.



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10. Considering the submissions made and on perusal of the materials, it is seen that the victim and A1 were in love from the young age for a quite long period. This was opposed by the victim's parents and she was moved from grandmother's house but still the victim continued her talk with A1. Thereafter, the victim had been forcibly given in marriage to A2. The mother of the victim to cover up the marriage lodged a complaint against A1 as though he kidnapped the victim girl. During investigation, when the victim was secured the entire case unravelled and now the parents of the victim, A2 and his parents along with A1 are facing prosecution. It is seen that the victim as per the school records is few months short of attaining majority. From the statement of witnesses and materials, it is seen that the parents of the victim are uneducated and the victim has got no birth certificate, age was recorded by the School authorities to ensure that the victim is eligible for admission. Hence, the age of the victim itself becomes doubtful. Now the victim and A1 got married and they are living as husband and wife. A2, A5 and A6 walked away from the victim. The joint compromise memo confirms the same. A scanned reproduction of the joint compromise memo is as follows:



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CrI.O.P.Nos.4998 & 2984 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(Criminal Jurisdiction)

**CrI.O.P.No. 2984 & 4998 of 2026**

Against

**SPL.S.C.No. 42 of 2025**

(On the file of Hon'ble Fast Track Mahila Court, Krishnagiri)

**CrI.O.P.No. 2984 of 2026:**

1. PRAGASH
2. PERUMAL
3. MURUGAMMAL

..... Petitioners/Accused 2, 5 & 6

//Versus//

1. THE STATE OF TAMILNADU,  
Represented by the Inspector of Police,  
Pochampalli Police Station,  
Krishnagiri District.  
(Crime No.352/2024)

..... 1<sup>st</sup> Respondent/Complainant

2. SARITHA

.....2<sup>nd</sup> Respondent/ Defacto-complainant

**CrI.O.P.No. 2984 of 2026:**

1. ARUNKUMAR
2. SARITHA

.....Petitioners/Accused 1 & 4

//Versus//

- THE STATE OF TAMILNADU,  
Represented by the Inspector of Police,  
Pochampalli Police Station,  
Krishnagiri District.  
(Crime No.352/2024)

.....1<sup>st</sup> Respondent

**MEMORANDUM OF JOINT COMPROMISE**

The petitioners and the victim girl above named most respectfully submit that they have entered into compromise as follows:-

ARUN KUMAR  
S. சரீதா

Pragash,  
Perumal  
P. Murugammal



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CrI.O.P.Nos.4998 & 2984 of 2026

1. The petitioners in respect of CrI.O.P.No. 2984 of 2026 are the 2<sup>nd</sup>, 5<sup>th</sup> and 6<sup>th</sup> Accused and the petitioners in respect of the CrI.O.P.No. 4998 of 2026 are the 1<sup>st</sup> and 4<sup>th</sup> Accused and the 1<sup>st</sup> Respondent in both original petitions is the complainant and the 2<sup>nd</sup> respondent herein is the defacto-complainant as well as 4<sup>th</sup> accused in the impugned Spl.S.C.No. 42 of 2025 on the file of Learned Session Judge, Fast Track Mahila Court, Krishnagiri. **The petitioners will be hereinafter referred as accused as per their respective ranks in the impugned charge sheet for the sake of convenience.**
2. The 1<sup>st</sup> accused was charged under sections 366 IPC, 5(I), 6(1), 5(j)(ii), 11(4), 12 POCSO Act for having kidnapped the victim girl who is minor and had sexual intercourse with her in the guise of marriage. The accused 3, 4, 5 and 6, who are the father and mother of victim minor girl and father and mother of 2<sup>nd</sup> accused respectively, are charged under section 9 of Child Marriage Act for having solemnized marriage between 2<sup>nd</sup> accused and victim minor girl. The 2<sup>nd</sup> accused is charged under section 10 of Child marriage Act for having married the victim minor girl.
3. After filing of the impugned charge sheet the 3<sup>rd</sup> accused who is the father of the victim minor girl died.
4. It is the humbly submitted that as the 3<sup>rd</sup> and 4<sup>th</sup> accused did not wish the love between the victim girl and 1<sup>st</sup> accused, they arranged marriage to victim girl with 2<sup>nd</sup> accused in a hurry manner by suppressing the real age and love matter of the victim girl and saying their financial crisis. On the very same day of the alleged marriage between the victim girl and 2<sup>nd</sup> accused, the victim girl informed the 2<sup>nd</sup>, 5<sup>th</sup> and 6<sup>th</sup> accused about her love matter and age. Therefore, they sent the victim girl to her parental home. Subsequently, she eloped with the 1<sup>st</sup> accused and for the same, the 4<sup>th</sup> accused lodged a complaint as girl missing. In the course of

M. Arun Kumar  
S. சரீதா

P. Arun Kumar

P. Arun Kumar



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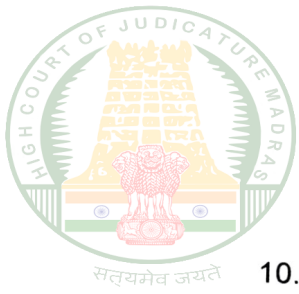
CrI.O.P.Nos.4998 & 2984 of 2026

investigation, the victim girl was recovered and statement was obtained from her and eventually, the impugned charge sheet was filed against the accused.

5. While so, the victim girl attained the majority and married the 1<sup>st</sup> accused and leading a happy life with him. Since, the parents of the victim girl have not wished her love with 1<sup>st</sup> accused, some unwanted incidents took them as accused persons into the impugned charge sheet.
6. The facts remains that the 2<sup>nd</sup> accused and his parents viz 5<sup>th</sup> and 6<sup>th</sup> accused were suppressed the real age of the victim girl and the alleged child marriage was arranged in an urgent and hurry manner. The 2<sup>nd</sup>, 5<sup>th</sup> and 6<sup>th</sup> accused were not aware that the victim girl was minor at the time of alleged child marriage and they are innocent.
7. The 3<sup>rd</sup> and 4<sup>th</sup> accused, who are parents of the victim girl, had arranged the alleged child marriage only for the purpose of safeguarding the victim girl's future. Otherwise, they did not have any intention to solemnize the same.
8. The petitioners are daily wagers and struggling to meet out their both ends. Further, the 5<sup>th</sup> accused is having several health issues.
9. Under above circumstances, if the impugned Spl.S.C.No. 42 of 2025 is proceeded further, the accused will be put into great prejudice and agony. Further, the continuation of impugned case would became highly unsafe for the victim girl as well as accused persons. In order to protect the life of victim girl and accused persons, it became just and necessary to save their remaining life. As above, the victim girl and all accused have consented for quash the impugned charge sheet in Spl.S.C.No. 42 of 2025 on the ground of "**Compromise**".

M. Anur Kumar  
S. சந்திரா

P. Pateja. 07/10/2025  
P. Pateja



CrI.O.P.Nos.4998 & 2984 of 2026

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10. The compromise arrived between the accused persons and victim girl are completely voluntarily one and the same is not obtained under any force or coercion or undue influence. Further, the accused persons/petitioners or victim girl will not file any complaint or suit or petition or case against each other in respect of the said occurrence or alleged child marriage with 2<sup>nd</sup> accused in future.
11. The victim girl undertakes that she will not file any matrimonial case or maintenance case against the 2<sup>nd</sup> accused in the guise of the said alleged child marriage in future.
12. The petitioners herein are innocent and hail from good and decent family and they do not have any previous case and they will not indulge in any kind of offenses as alleged in future. Therefore, it has become just and necessary to record this Joint compromise memo and quash the impugned charge sheet.

Hence, it is, prayed that this Hon'ble court may be pleased to quash the impugned charge sheet filed in Spl.S.C.No. 42 of 2025 on the file of Learned Session Judge, Fast Track Mahila Court, Krishnagiri against the petitioners in CrI.O.P.Nos. 2984 and 4998 of 2026 on the account of compromise and thus render justice.

Dated at Chennai on this the 6<sup>th</sup> day of March, 2025.

M. Arun Kumar  
S. S. S. S.

P. Rakshita - வயிற்று டாக்டர்  
P. சந்திரலக்ஷ்மி

Petitioners/Accused:

S. B. Bhavatharani  
SAAO/2024  
Counsel for Petitioners

S. Bhavatharani  
Victim Girl



CrI.O.P.Nos.4998 & 2984 of 2026

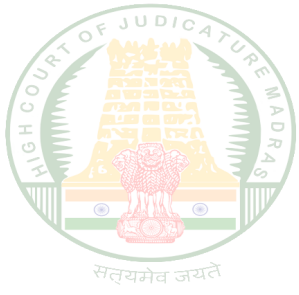
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11.The Apex Court in the case of “*K.Dhandapani vs. State by the Inspector of Police*” reported in *2022 SCC Online SC 1056*”, considered the subsequent events and observed that the Court cannot shut its eyes to the ground reality and disturb the happy family life of the petitioners as well as the victim. In view of the same, this Court finds that continuation of the proceedings will serve no purpose and it is only an abuse of process of law.

12.In view of the above, the Criminal Original Petitions stand allowed and as a sequel, the case in Spl.S.C.No.42 of 2025 on the file of the Fast Track Mahila Court, Krishnagiri is quashed against the petitioners and they are discharged from all charges.

17.04.2026

Speaking order/Non-speaking order  
Index: Yes/No  
Neutral Citation: Yes/No  
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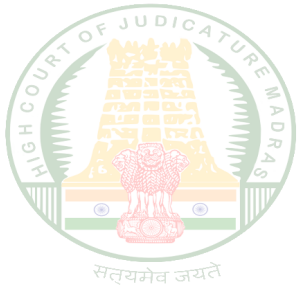


CrI.O.P.Nos.4998 & 2984 of 2026

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To

- 1.The Inspector of Police,  
Pochampalli Police Station,  
Krishnagiri District.
- 2.The Fast Track Mahila Court,  
Krishnagiri.
- 3.The Public Prosecutor,  
High Court, Madras.



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CrI.O.P.Nos.4998 & 2984 of 2026

M.NIRMAL KUMAR, J.

*cse*

CrI.O.P.Nos.4998 & 2984 of 2026

17.04.2026