

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(Arising out of SLP (Crl.) No. 2782 of 2021)

MARUTHUPANDI

... APPELLANT

VERSUS

**STATE REPRESENTED BY
THE INSPECTOR OF POLICE & ANR.**

... RESPONDENTS

WITH

CRIMINAL APPEAL NO. OF 2026
(Arising out of SLP (Crl.) No. 4907 of 2021)

O R D E R

1. Leave granted.

2. The present appellant being aggrieved by the judgment of conviction dated 12.04.2019 of the Fast Track Mahila Court, Dharmapuri in Special S.C. No. 43 of 2015 convicting him under Section 5(1) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and directing to undergo sentence of ten years along with fine, filed Criminal Appeal No. 258 of 2019 before the High Court wherein the jail sentence was suspended vide order dated 03.06.2019. Challenge is also made to impugned judgment dated 30.04.2011 whereby the High Court had dismissed Crl.M.P. NO.

3209 of 2021 filed by appellant seeking to take additional evidence of the victim by recording her deposition before the High Court and to make the same as affidavit.

3. After suspension of the sentence, the victim filed an application under Section 482 read with Section 391 of the Code of Criminal Procedure praying for her further examination since she wanted to express the untold truth before the Court. In support of the contentions, the victim girl sworn affidavit on 08.02.2021, *inter alia*, contending that the victim girl and the appellant were living together for the past four years and they have settled the matter. However relying upon the said affidavit, she wished to depose in favour of the appellant, thereby, praying that the judgment of conviction of the appellant may be set aside, thereby both of them can live peacefully in future. The High Court rejected the said Criminal M.P. No. 3209 of 2021 vide order impugned dated 16.03.2021.

4. Being dissatisfied by such order, the present appeal was filed. After issuance of notice, this Court vide order dated 22.11.2022, directed as under:

Heard.

Learned counsel for the petitioner submits that

the first information report was lodged by the victim on account of some misunderstanding and confusion though they were in relationship since 2012. He further submits that even before the trial court an application was made on behalf of the victim to file additional evidence in as much as both the parties had compromised and entered into a marriage but it was dismissed by the trial court. After conviction, another attempt was made by the petitioner before the High Court in appeal by filing another application and affidavit of the victim that the matter has been compromised between them and they are living a happily married life.

In the facts and circumstances, we feel that let the victim girl record her statement before the Magistrate under Section 164 of the Criminal Procedure Code. For this purpose, the concerned probation officer shall accompany the victim for recording the statement before the Magistrate.

The accused appellant is directed not to influence or accompany the victim, when she goes for recording her statement. The statements so recorded be forwarded to this Court by the concerned Magistrate. The Magistrate shall put specific question with respect to the place where the victim is residing and the date and the manner in which the alleged marriage, if any, took place. The entire process may be completed by the concerned Magistrate within a period of three weeks and the report be forwarded forthwith

List after four weeks.

5. In furtherance, the statement of the victim was recorded, on 02.12.2022 and in respect of question No. 17, before the Judicial Magistrate, Harur she has answered as under:

"17. Question : You can tell me the details you have come to tell me and now you give your statement.

When I was studying in 12th standard, Maruthupandi son of Chinnavedi, who belongs to Philparuthi village situated near my village, told me that, he was in love with me. He told me that, he loved me and gave promise that, he was going to marry me. By saying so, he had sexual intercourse with me for many times. After that, Maruthupandi refused to marry me. So, I consumed Arali seed. After that, I was admitted and treated in the hospital. The said Maruthupandi had sexual intercourse with me for many times, when I was minor. He had sexual intercourse with me for many times after giving promise to marry me. He also told that, he loved me. Since, Maruthupandi refused to marry me, I filed a complaint before Harur All Women Police Station seeking action against Maruthupandi. Last year, I got married to one Mukesh Kumar, son of Kandasamy from Salem. The said marriage is arranged by elders of both family. Within 3 days of the marriage, my husband Mukesh Kumar came to know about the fact that Maruthupandi already loved me and had sexual intercourse with me on the promise of marrying me. So, my husband Mukesh Kumar left me and sent me to my parent's house. At present I am living in Sungarahalli with my father. Now the parents of Maruthupandi approached me, saying that Maruthupandi is ready to marry me. Since, My grandmother Chinnathai was not feeling well and is suffering from ailment, we sought time from the parent's of Maruthupandi and returned them back. As such, I have narrated the incidents happened to me."

6. Since her statement was not complete and nothing could be elicited regarding her marriage with the appellant, this Court vide order dated 28.11.2024 directed to ascertain the present status of the victim and the appellant. In compliance, the statement of victim was recorded by the Magistrate again and in answer to question No. 13, she stated as under :

"13. Question: You can tell me the particulars you have come to tell me and now you can give your statement.

1) Myself and Maruthupandi fell in love 10 years ago. Maruthupandi told me that he did not want to marry me because no one in his house accepts our marriage. So, I filed complaint at Harur All Women Police Station. After that I was made to join in College by my house. After 7 years of this problem, Mukesh from Salem asked me to marry him. At that time, I did not accept and said no. But, I was made to get married to Mukesh by my house stating Mukesh is good. Mukesh to whom I was get married did not know about the details of love affair between me and Maruthupandi.

2) After Mukesh and I got married, Mukesh said he did not want me after he came to know the complaint filed by me against Maruthupandi. Mukesh did not agree even when we took the people of our town for panchayat. My father brought me to our house after giving in writing that I and Mukesh do not have relationship with each other anymore. Ever since I filed complaint against Maruthupandi, Maruthupandi was telling that he would marry me. My life is ruined because of Maruthupandi. Therefore, as I could not find any other life, my father and the villagers decided to get me married once again to Maruthupandi and got us married on 05.12.2024.

3) Till now I am living with Maruthupandi only. Maruthupandi is currently in Kerala for work. I am working here in Dharmapuri and living in my father's house."

7. Thereafter, the appellant and the victim were directed to remain present before this Court on 11.03.2026. Later, on

06.04.2026, after discussion and as conceded by the victim, if the appellant pays Rs.10,00,000/- (Rupees ten lakhs only) towards the security of her life, she would not like to further contest this litigation, and after setting aside the conviction, she would like to live with appellant. The appellant accepted the proposal and agreed to pay the amount as offered within one month. As directed the case was listed on 11.05.2026, whereon, the appellant had deposited only two lakhs and for remaining 8 lakhs, time was sought to arrange money till 22.05.2026. On 22.05.2026, the victim was present in Court and she informed that she received total Rs.7,05,000/- and Rs. 2,95,000/- is remaining. Therefore, this Court directed that her statement may be recorded before the Registrar (Judicial) about her willingness on the event of receiving the amount as settled. The statement of the victim recorded before the Registrar (Judicial) is as under :

"Statement of victim - Ms. X daughter of Sxxxr, aged 28 years, occupation - not working, resident of 102, Sillaraalli Post, Sunkaraalli, VTC: Sunakarahalli, PO: Sillarahalli, Sub District: Pappireddipatti, District Dharmapuri, Tamil Nadu (Aadhar No 2161 4327 1400)

w/o

Stated that, in terms of order dated 06.04.2026, passed by this Hon'ble Court, out of total compensation amount of Rs. 10,00,000 (Rupees ten lakhs only), I have

already received a sum of Rs. 7,05,000/- (Rupees seven lakhs five thousand only) from the petitioner-Maruthupandi and a sum of Rs 2,95,000 (Rupees two lakhs ninety five thousand only) is still due towards him. **On receipt of the remaining amount of compensation i.e. Rs 2,95,000 (Rupees two lakhs ninety five thousand only), I would like to put quietus to the present litigation by not continuing the same."**

8. In view of the aforesaid, factual backdrop and the proceedings previously recorded, we have interacted with the victim who has joined today virtually. The interaction was made with the assistance of Ms. G. Priyadharshini, learned counsel, well versed with Tamil language. Ms. G. Priyadharshini asked her about receiving of the amount. She was further asked regarding the statement given before the Magistrate as per the orders of this Court and the statements given before the Registrar (Judicial) of this Court. The victim acknowledged all the statements and their contents. She has specifically admitted that she has received the amount of Rs. 10,00,000/- and she wishes to put quietus to this litigation. It is specifically stated by her that in case conviction of the appellant is set aside, she has no objection. In view of the peculiar facts and circumstances, we have heard learned counsel appearing on behalf of the State. Learned State counsel is unable to dispute the factual

scenario and looking to the testimony of the victim, and her willingness to put quietus to the prosecution, urged, this Court may pass order as deemed fit. However, to secure the social order and to maintain the life of two individuals as consented by both of them, the State Government does not have any reservation if conviction may be set aside but it may not be treated as precedent for other cases.

9. Having heard learned counsel for the appellant and learned counsel for the victim and also of the State Government and on perusal of the statements dated 02.12.2022, 07.02.2025 before the Magistrate and the Statement dated 22.05.2026 before the Registrar (Judicial) of this Court, it is clear that the victim, while was minor having intimacy with the appellant. In the interregnum, they had intercourse though minor due to not marrying a complaint was made on which case was registered and appellant has been convicted after trial in S.C. No. 43 of 2015 vide judgment dated 12.04.2019. On filing an affidavit in favour of the appellant by the victim, the jail sentence of the appellant was suspended vide order dated 16.03.2021. Thereafter, as per the orders passed by this Court, her first statement was recorded wherein she did not make any disclosure regarding marriage with the appellant. On issuing directions vide order dated 28.11.2024 in her

subsequent statement it was disclosed that due to connivance of the family members, the marriage of the appellant and victim was solemnised on 05.12.2024. Even as per the orders of this Court with intent to have security of the family life of the appellant Rs. 10,00,000/- has been paid to the victim which she has realised. Now as per subsequent statement, appellant and the victim have solemnised the marriage on attaining the age of majority and also received the amount of compensation for his guilt with minor victim. Therefore, at this stage, without entering into the merits of the case, in the peculiar facts, as narrated above, we deem it appropriate to exercise our plenary power under Article 142 of the Constitution of India for setting aside the judgment of conviction and sentence of the appellant for the charge under Section 5(1) of POCSO Act and in terms of the statements as recorded and the appellant is acquitted from the charge.

10. Accordingly, the appeals are allowed and on the basis of subsequent events the conviction and sentence as directed by Sessions Court confirmed by the High Court stand set aside. The appellant and the victim are left free to live their life peacefully in society as spouse. We make it clear that the present order has been passed in the peculiar facts of the case, therefore, it will not be treated as a precedent for any

other purpose. As the substantive jail sentence of the appellant was suspended by the High Court vide order dated 03.06.2019, he need not surrender until required in any other case. In this view, his bail bond shall stand discharged.

11. Pending applications, if any, shall stand disposed of.

....., J.
[J.K. MAHESHWARI]

....., J.
[ATUL S. CHANDURKAR]

New Delhi;
May 26, 2026.

ITEM NO.59

COURT NO.3

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s). 2782/2021

[Arising out of impugned final judgment and order dated 16-03-2021 in CRLMP No. 3209/2021 passed by the High Court of Judicature at Madras]

MARUTHUPANDI

Petitioner(s)

VERSUS

STATE REPRESENTED BY THE INSPECTOR OF POLICE & ANR.Respondent(s)

(IA No. 50148/2021 - EX-PARTE STAY IA No. 45876/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(CrI) No. 4907/2021 (II-C)
(FOR ADMISSION and I.R. and IA No.78353/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.78354/2021-EXEMPTION FROM FILING O.T.)

Date : 26-05-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) : Mr. Rahul Shyam Bhandari, AOR
Ms. G Priyadharshni, Adv.
Mr. Satyam Pathak, Adv.

For Respondent(s) : Mr. Sabarish Subramanian, AOR
Ms. Arpitha Anna Mathen, Adv.

Mr. Konark Tyagi, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeals are allowed in terms of the signed order and on the basis of subsequent events the conviction and

sentence as directed by Sessions Court confirmed by the High Court stand set aside. The appellant and the victim are left free to live their life peacefully in society as spouse. We make it clear that the present order has been passed in the peculiar facts of the case, therefore, it will not be treated as a precedent for any other purpose. As the substantive jail sentence of the appellant was suspended by the High Court vide order dated 03.06.2019, he need not surrender until required in any other case. In this view, his bail bond shall stand discharged.

3. Pending applications, if any, shall stand disposed of.

(GULSHAN KUMAR ARORA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)