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REVIEW ARTICLE

Practical Justice vs. Statutory Rigidity: Judicial Pragmatism under Article 142 in Minor-Related Sexual Offenses

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ABSTRACT

Background: The Protection of Children from Sexual Offences (POCSO) Act, 2012, was enacted as a non-compoundable statutory mechanism to safeguard minors from sexual abuse. However, Indian courts routinely confront cases where non-forcible sexual encounters between adolescent peers culminate in consensual marriage upon the victim attaining majority.

Case Presentation: In *Maruthupandi v. State* (2026 LiveLaw (SC) 614), the appellant faced conviction under the POCSO Act. Following the judgment, upon reaching majority, the victim solemnized a lawful marriage with the appellant. The victim expressed a desire to terminate proceedings, and the appellant provided ₹10,00,000 as financial security.

Intervention & Outcome: Recognizing that incarcerating the appellant would destroy a functional family unit, the Supreme Court invoked its plenary powers under Article 142 of the Constitution of India to quash the conviction and set aside the sentence, while explicitly noting the order does not constitute a precedent.

Conclusion: The ruling illustrates a pragmatic judicial approach balancing statutory compliance with social rehabilitation. It emphasizes that while Article 142 cannot routinely bypass mandatory criminal statutes, it serves as a crucial constitutional valve to prevent injustice in hyper-technical prosecutions.

KEYWORDS:

• Article 142 • Judicial Pragmatism • Complete Justice • POCSO Act • Minor Sexual Offences • Statutory Rigidity • Supreme Court of India

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INTRODUCTION

The intersection of statutory child protection frameworks and socio-cultural marital realities presents a recurring legal dilemma in Indian jurisprudence[1]. The Protection of Children from Sexual Offences (POCSO) Act, 2012, operates on a strict liability standard, rendering the consent of a person under 18 years of age legally irrelevant[2]. While designed to deter sexual exploitation, the absolute non-compoundable nature of offences under the POCSO Act frequently ensnares young adult couples involved in romantic relationships[3].

When these cases reach higher appellate courts post-majority—often after the parties have married and established a household—the rigid enforcement of criminal sanctions risks causing severe socio-economic hardship to the victim the law was enacted to protect[4]. The landmark judgment in *Maruthupandi v. State*[5] highlights the Supreme Court of India's reliance on Article 142 to achieve "complete justice" when statutory procedural remedies reach an impasse.

CASE FACTS & EVIDENCE

(Alleged POCSO Offense) → (Trial & High Court Conviction) → (Victim Reaches Majority & Marries Accused) → (SC Invokes Art. 142 to Quash Conviction)

- **Indexed Citation:** *Maruthupandi v. State*, 2026 LiveLaw (SC) 614[5].
- **Bench Composition:** Justice J.K. Maheshwari and Justice Atul S. Chandurkar[5].
- **Factual Matrix:** The appellant, Maruthupandi, was tried and convicted under the relevant sections of the POCSO Act, 2012, and Indian Penal Code (IPC) for engaging in a sexual relationship with a minor victim. The conviction was upheld by the High Court[5,6].
- **Subsequent Developments:** Pending appellate litigation before the Supreme Court, the victim attained the age of majority. The appellant and the victim subsequently solemnized a lawful marriage[5].
- **Victim's Stand:** The victim appeared before the Apex Court, testifying that she was living peacefully with the appellant as his spouse and explicitly requested the court to terminate all criminal proceedings to preserve her domestic stability[5,6].
- Financial Provision: To ensure the long-term financial security of the victim, the appellant undertook to deposit a fixed sum of ₹10,00,000 (Rupees Ten Lakhs) directly in favor of the victim[5].

Grounds of Relief: Marriage of Accused with Victim in POCSO Proceedings

Under statutory law, offences under the POCSO Act are non-compoundable pursuant to Section 320 of the Code of Criminal Procedure, 1973 (CrPC) / Section 359 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).[7] Consequently, marriage between an accused and a victim does not operate as a valid legal defense or ground for acquittal before a Trial Court[2].

However, High Courts (under Section 482 CrPC / Section 528 BNSS) and the Supreme Court evaluate these scenarios under specific equitable grounds:

1. **Prevention of Abuse of Process:** Prosecuting a husband post-majority, when the victim voluntarily maintains a domestic relationship, turns statutory protection into an instrument of hardship for the victim[4,6].
2. **Rehabilitation and Social Welfare:** Incarceration removes the primary financial and social support of the victim, counteracting the restorative objective of victim welfare laws[3].
3. **Absence of Animus / Exploitative Intent:** Courts differentiate between predatory sexual abuse and cases arising from consensual adolescent relationships that mature into lawful marriages post-majority[1,8].

Article 142(1) of the Constitution of India provides the Supreme Court with broad plenary authority:

"The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it..."

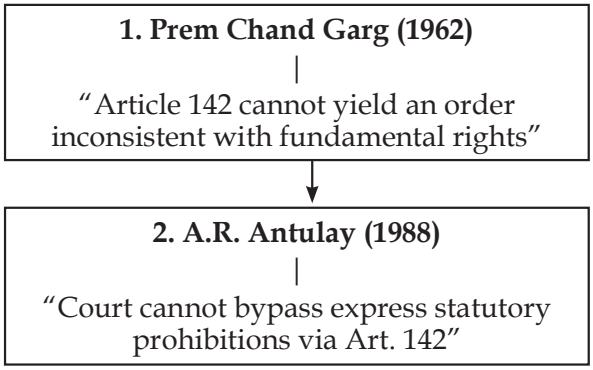
Over the decades, the Supreme Court has evolved its interpretation of this power—transitioning from viewing it as an auxiliary procedural tool to recognizing it as an independent, substantive constitutional power, while establishing self-imposed limitations to prevent judicial arbitrariness.

Below is an enumerated, landmark timeline tracing the evolution of Article 142(1) jurisprudence from 1950 to 2026.

Forum	Legal Mechanism	Scope regarding POCSO Quashing via Marriage
Trial Court	Statutory Trial (CrPC/BNSS)	No Power: Cannot record compromises or acquit based on marriage due to non-compoundable nature.[2]
High Court	Sec 482 CrPC / Sec 528 BNSS	Restricted Power: Divided jurisprudence; usually hesitant to quash serious POCSO offences solely on marriage settlements.[7,8]
Supreme Court	Article 142 of the Constitution	Plenary Power: Can pass any order necessary to do "complete justice," overriding procedural bars.[5,9]

Phase 1: Early Restrictive View (1950s–1980s)

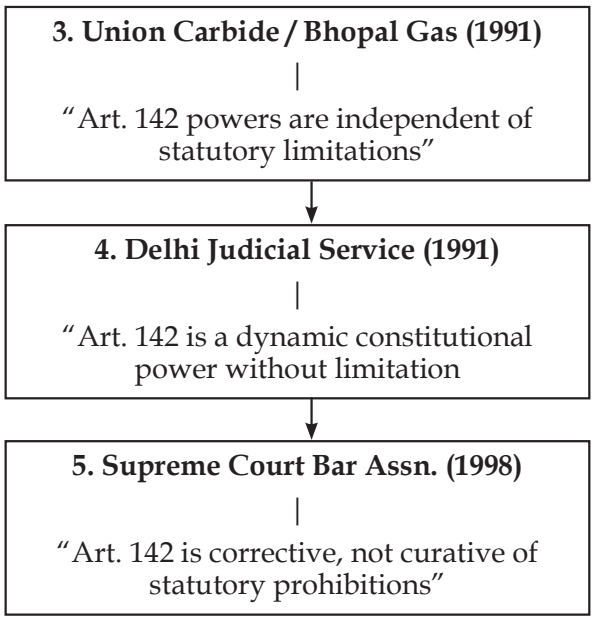
In the early decades following independence, the Apex Court treated Article 142 primarily as a procedural power that could not override express statutory provisions.



1. ***Prem Chand Garg v. Excise Commissioner, U.P.*** **(AIR 1963 SC 996 / 1962):**
   - **Core Rule:** The powers under Article 142, though broad, cannot be exercised to make an order that directly violates a Fundamental Right guaranteed under Part III or express statutory prohibitions.
   - **Significance:** Marked the first major Constitution Bench ruling placing structural limits on "complete justice."
2. ***A.R. Antulay v. R.S. Nayak*** **(1988) 2 SCC 602):**
   - **Core Rule:** The Supreme Court held that directions issued under Article 142 cannot bypass statutory provisions or deprive a citizen of their statutory right to appeal by transferring a case from a Special Court to a High Court without legal authorization.

Phase 2: Expansion & "Substantive Equity" (1989–1997)

During this period, the Court expanded Article 142 into a plenary power that could transcend statutory bars if necessary to achieve justice.



3. ***Union Carbide Corporation v. Union of India*** **[(1991) 4 SCC 584 - Bhopal Gas Leak Case]:**
   - **Core Rule:** The Constitution Bench held that the power under Article 142 is **plenary and not constrained by statutory prohibitions** found in ordinary legislation. Prohibition in an ordinary statute cannot act as a

limitation on constitutional power.

- **Significance:** Sanctioned the $470 million global settlement, bypassing procedural hurdles under the CrPC and Indian Penal Code.

4. ***Delhi Judicial Service Association v. State of Gujarat*** **[(1991) 4 SCC 406]:**
   - **Core Rule:** Reaffirmed that the Supreme Court's jurisdiction under Article 142 is an independent, constitutional power designed to prevent failure of justice. The Court used it to punish police officers for contempt after they assaulted a Judicial Magistrate.
5. ***Chandrakant Patil v. State through CBI*** **[(1998) 1 SCC 38]:**
   - **Core Rule:** Clarified that the Supreme Court can enhance a prison sentence under Article 142 even in the absence of an appeal by the State, if necessary to meet the ends of justice.

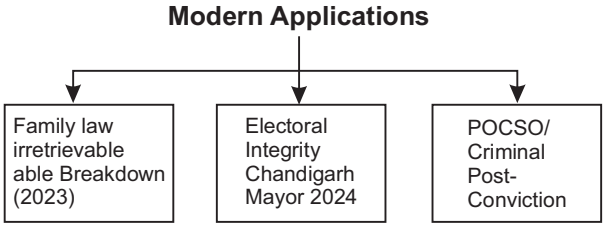
Phase 3: Course Correction & Self-Restraint (1998–2020)

Recognizing the risk of unguided judicial discretion, the Court established clearer boundaries to prevent Article 142 from being used to create new law or override clear legislative policy.

6. ***Supreme Court Bar Association v. Union of India*** **[(1998) 4 SCC 409]:**
   - **Core Rule:** A landmark 5-Judge Bench partially rolled back *Union Carbide*. It held that Article 142 is **curative, not destructive of express statutory provisions.** It cannot be used to bypass express statutory procedure or create a new head of jurisdiction (e.g., suspending an advocate's license without following the Advocates Act).
   - **Key Quote:** *"Article 142, even with the width of its amplitude, cannot be used to build a new edifice where green grass grows."*
7. ***E.S.P. Rajaram v. Union of India*** **(2001) 2 SCC 186):**
   - **Core Rule:** The Court held that power under Article 142 cannot be exercised in a manner that conflicts with express statutory provisions, nor can it be used to achieve results indirectly that are prohibited directly.
8. ***State of Punjab v. Rafiq Masih (White Washer)*** **[(2015) 4 SCC 334]:**
   - **Core Rule:** Article 142 was utilized to restrain the State from recovering excess monetary payments erroneously made to lower-tier employees (Group C & D) without fault on their part, grounding the decision in equity and fair play.
9. ***State of Tamil Nadu v. K. Balu*** **[(2017) 2 SCC 281]:**
   - **Core Rule:** The Supreme Court invoked Article 142 to ban the sale of liquor within 500 meters of National and State Highways to promote public health and safety under Article 21.

Phase 4: Modern Jurisprudence & Criminal/ Family Law Applications (2021–2026)

In recent years, Article 142 has been used to resolve complex family disputes, address systemic delays, and prevent injustice in non-compoundable criminal matters involving adolescent relationships or post-conviction settlements.



10. ***Shilpa Sailesh v. Varun Sreenivasan*** **(2023 SCC OnLine SC 544):**
    - **Core Rule:** A 5-Judge Constitution Bench ruled that the Supreme Court can grant a divorce on the ground of **"irretrievable breakdown of marriage"** under Article 142(1), bypassing the statutory mandatory wait period of 6–18 months prescribed under Section 13-B of the Hindu Marriage Act, 1955.
11. ***Kuldeep Kumar v. U.T. Chandigarh & Ors.*** **[(2024) 3 SCC 526 - Chandigarh Mayoral Election Case]:**
    - **Core Rule:** The Supreme Court invoked Article 142 to set aside the electoral result of the Chandigarh Mayoral Polls after discovering physical tampering of ballot papers by the Returning

Officer. The Court directly declared the validly elected candidate as Mayor to protect democratic integrity.

12. ***K. Kirubakaran v. State of Tamil Nadu* (2025 SCC OnLine SC 2307):**
    - **Core Rule:** The Apex Court invoked Article 142 to quash a POCSO conviction where the accused and prosecutrix married post-majority and established a peaceful family. Citing Benjamin Cardozo, the Court held that rigid enforcement would destroy the victim's social stability.
13. ***Ayyub Malik v. State of Uttarakhand* (2026 SCC OnLine SC 637):**
    - **Core Rule:** The Court exercised plenary powers to quash POCSO proceedings where an adolescent relationship culminated in a lawful marriage post-majority with offspring, ruling that continuing prosecution would cause unnecessary harassment to a functional family.
14. ***Maruthupandi v. State* (2026 LiveLaw (SC) 614):**
    - **Core Rule:** The Supreme Court set aside a conviction under the POCSO Act after the appellant married the victim post-majority and deposited ₹10,00,000 for her financial security. The Court explicitly clarified that relief under Article 142 in such matters is granted *in personam* due to unique factual matrices and **does not constitute a binding legal precedent.**

Summary Matrix of Constitutional Limits

Dimension	Scope under Article 142	Landmark Authority
Fundamental Rights	Cannot be violated or bypassed	*Prem Chand Garg* (1962)
Statutory Prohibitions	Cannot routinely override express prohibitions; acts as a curative valve	*Supreme Court Bar Assn.* (1998)
Matrimonial Law	Can dispense with statutory waiting periods for irretrievable breakdown	*Shilpa Sailesh* (2023)
Electoral Integrity	Can invalidate tampered results to enforce democratic remedies	*Kuldeep Kumar* (2024)
Criminal/POCSO	Can quash non-compoundable cases *in personam* to protect family stability	*Maruthupandi v. State* (2026)

Discussion: Scope & Limits of Supreme Court Plenary Powers under Article 142

Article 142(1) of the Constitution empowers the Supreme Court to pass such decrees or orders as necessary for doing "complete justice" in any cause or matter pending before it[9]. In *Maruthupandi v. State*, the Court weighed statutory deterrence against equitable outcomes[5].

1. Practical Utility vs. Statutory Mandate

The Supreme Court recognized that compelling the appellant to serve the remainder of his prison term would destroy the settled marital life of the couple[5]. Incarcerating the husband would effectively penalize the victim by depriving her of financial security and social standing[4,6]. The agreement to pay ₹10,00,000 served as a financial safeguard for the victim's independent future[5].

2. The "Not a Precedent" Caveat

To prevent the misuse of this judgment as a loophole by perpetrators seeking to escape prosecution through forced or arranged marriages, the Apex Court explicitly marked the ruling as *in personam*[5,6]:

> *"This relief is granted strictly due to the unique and peculiar facts and circumstances of the present case and shall not be treated as a legal precedent for future POCSO prosecutions."*[5]

This reservation preserves the general deterrent effect of the POCSO Act while allowing the Apex Court flexibility to address genuine cases through Article 142[8,9].

In Indian jurisprudence, whether a subsequent marriage between the accused and the victim can lead to an acquittal or quashing of criminal proceedings (particularly in rape under IPC/BNS and offences under the

POCSO Act) is a complex question.

Because sexual offences against minors are classified as **non-compoundable, heinous offences against society** rather than private disputes, statutory law explicitly prohibits compromise or marriage from acting as an automatic ground for acquittal. However, higher appellate courts—principally the Supreme Court under **Article 142** and High Courts under **Section 482 CrPC / Section 528 BNSS**—have repeatedly carved out equitable exceptions.

The legal precedents demonstrate how Indian courts balance strict statutory mandates against the practical reality of adolescent relationships and domestic stability.

Key Precedents in Indian Case Law

1. Supreme Court Precedents (Plenary & Extraordinary Jurisdiction)

- ***Ayyub Malik v. State of Uttarakhand* (2026 SCC OnLine SC 637):** The Apex Court examined a case where an alleged minor-adult relationship led to a prosecution under the POCSO Act. During the litigation, the prosecutrix attained majority, married the accused, and gave birth to a child. The Court observed that continuing the trial would cause "unnecessary harassment" and disrupt a settled family life. It set aside the proceedings to preserve the family unit[10].
- ***K. Kirubakaran v. State of Tamil Nadu* (2025 SCC OnLine SC 2307 / 2025 INSC 1272):** Convicted under Section 366 IPC and Section 6 of POCSO, the accused was acquitted post-compromise after marrying the victim once she reached majority. Citing Benjamin Cardozo's famous dictum—*"The final cause of law is the welfare of society"*—the Supreme Court held that the relationship was rooted in mutual affection rather than predatory intent, and invoked Article 142 to quash the conviction[11].
- ***Maruthupandi v. State* (2026 LiveLaw (SC) 614):** The Court quashed a 10-year prison sentence under POCSO after the victim reached majority, solemnized marriage with the accused, and expressed her desire to end litigation, alongside a ₹10,00,000 security deposit provided by the accused. The court noted that enforcing imprisonment would penalize the victim by destroying her domestic life.
- ***Mafatlal v. State of Gujarat* (2025):** The Apex Court quashed proceedings under IPC Section 376 (rape) and POCSO provisions where the accused and prosecutrix had married, lived together as husband and wife, and raised children, holding that incarceration would be destructive to the best interests of the family.

2. High Court Precedents (Inherent Powers under Sec 482 CrPC / Sec 528 BNSS)

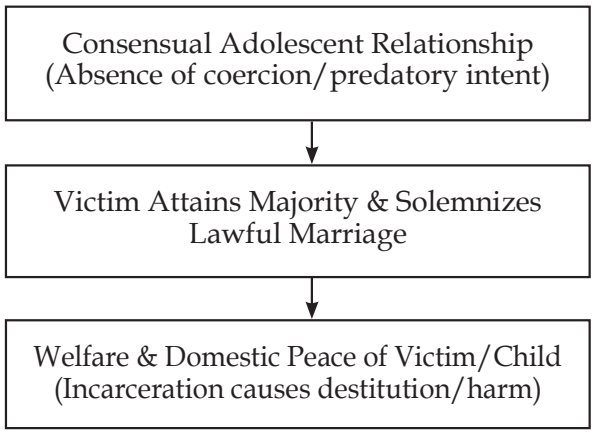
While the Supreme Court maintains that High Courts cannot routinely quash POCSO trials via simple compromise, several High Courts have exercised Section 482 CrPC to quash proceedings when adolescent relationships mature into consensual marriages:

- **Bombay High Court — *Vijay Laxman Rotke v. State of Maharashtra* (2026 SCC OnLine Bom 2852):** The High Court quashed a POCSO FIR and charge sheet against an accused driver. The court noted that the victim (15 at the time of the incident) had subsequently attained majority, married the accused without any coercion, and was expecting a child. Relying on *Ayyub Malik*, the court ruled that continuing criminal proceedings would result in grave injustice[12].
- **Delhi High Court — *Dharmendra v. State (NCT of Delhi)* (2024):** The Delhi High Court quashed proceedings involving a young couple where the victim was 17 at the time of the incident. The court noted that the couple had solemnized marriage post-majority and had an infant. The bench observed that forcing the husband into prison would render the mother and child destitute, defeating the welfare objectives of the law.
- **Madras High Court —** *Sathish v. State* **(2026):** The Madras High Court quashed a pending trial where the petitioner and minor prosecutrix ran away in a consensual relationship, subsequently registered their marriage upon her reaching 18 years of age, and had a child. The court observed that rigid statutory prosecution in consensual "Romeo-Juliet" cases often transforms victim-protection

laws into instruments of harassment.

Judicial Principles Governing these Decisions

From these precedents, courts generally evaluate three factors before granting an acquittal or quashing based on marriage:



1. **Consensual Nature vs. Predatory Abuse:** Courts strictly distinguish between genuine, consensual romantic relationships among teenagers and cases involving violence, coercion, or sexual exploitation.
2. **Welfare of the Victim:** If incarcerating the husband deprives the victim (and often her children) of financial, social, and emotional support, courts prioritize her welfare over mechanical punishment.
3. **Preventing Abuse of Process:** When the victim explicitly appears in court to state that she is happily married and wishes to drop charges, forcing her to testify destroys her domestic harmony.

The Strict Caveat: *Orders in Personam*, not Precedents

Crucially, the Supreme Court has held (most prominently in *State of WB v. Snigdha Koley* and *Maruthupandi v. State*) that **marriage does not retrospectively erase or legalize a statutory sexual offence committed against a minor.**

To prevent perpetrators from using marriage as a legal tactic to escape trial, the Supreme Court repeatedly issues the following safeguards:

- **No General Right to Acquittal:** Trial courts cannot record a settlement or acquit an accused under POCSO simply because he married the victim.
- **Not a Precedent:** Relief granted under Article 142 in cases like *Maruthupandi* or *K. Kirubakaran* is explicitly designated as *in personam*—passed under unique, non-repeatable circumstances—so it cannot be claimed as a matter of legal right in other prosecutions

Supreme Court's Article 142 Plenary Powers and Statutory Bars Under CrPC Section 320 and BNSS Section 359 Regarding Non-Compoundable Offences

Let's Analyze the constitutional conflict between the Supreme Court's Article 142 plenary powers and statutory bars under CrPC Section 320 and BNSS Section 359 regarding non-compoundable offences.

The interplay between the Supreme Court's plenary powers under **Article 142(1) of the Constitution of India** and statutory bars on compounding offences—governed by **Section 320 of the Code of Criminal Procedure, 1973 (CrPC)** and its corresponding **Section 359 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)**—presents a fundamental constitutional dilemma: **Can judicial equity override explicit legislative policy?**

Constitutional Conflict	
Article 142(1) Power	Sec 320 CrPC / Sec 359 BNSS
• Constitutional, plenary	• Statutory, rigid prohibition
• Goal: **"Complete Justice"**	• Goal: Public policy & deterrence

1. The Statutory Framework vs. Constitutional Mandate

The Statutory Bar (Sec 320 CrPC / Sec 359 BNSS)

Under criminal procedure, offences are divided into:

1. **Compoundable offences:** Listed exhaustively under Section 320 CrPC (Section 359 BNSS), where parties can settle with or without court permission.
2. **Non-compoundable offences:** Crimes not explicitly named in the statutory table.

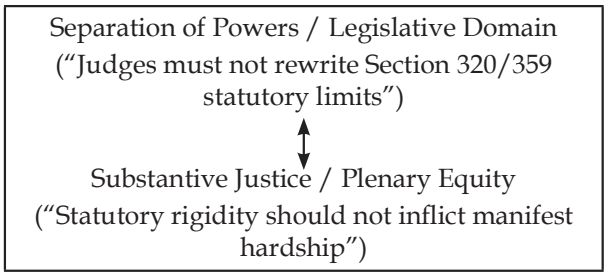
Section 320(9) CrPC / Section 359(9) BNSS imposes an express statutory prohibition: "*No offence shall be compounded except as provided by this Section*." The rationale is that serious crimes are torts against the State and society, not merely private disputes.

The Constitutional Mandate (Article 142)

Article 142(1) empowers the Supreme Court to pass any order necessary to achieve **"complete justice"**. Unlike trial courts or High Courts bound by procedural statutes, the Apex Court's plenary authority operates at a higher constitutional tier.

2. The Nature of the Constitutional Conflict

The tension arises from two competing principles of Indian legal jurisprudence:



1. **Legislative Competence:** Amending the list of compoundable offences belongs exclusively to Parliament. Allowing non-compoundable offences to be routinely "compounded" under the guise of equity risks usurpation of legislative authority.
2. **Harmonization of Remedies:** Rigid adherence to statutory bars can turn criminal proceedings into instruments of harassment—particularly in post-conviction settlements, matrimonial disputes, or adolescent relationships post-majority.

3. Evolutionary Jurisprudence: Resolving the Dichotomy

The Supreme Court has navigated this conflict through three distinct phases:

Phase I: Unfettered Invocations (1980s–1990s)

- **Mahesh Chand v. State of Rajasthan (1990):** The Supreme Court permitted the compounding of an offence under Section 307 IPC (Attempt to Murder), overriding the statutory prohibition of Section 320 CrPC by relying on Article 142.
- **Union Carbide Corp. v. Union of India (1991):** The Constitution Bench held that statutory prohibitions under ordinary laws (like the CrPC) **cannot limit constitutional powers** under Article 142.

Phase II: Structural Self-Restraint (1998)

- **Supreme Court Bar Association v. Union of India (1998):** A 5-Judge Bench corrected the overextension of Article 142, holding that plenary powers are **curative, not destructive** of express statutory provisions. Article 142 cannot be used to ignore an explicit statutory bar when the statute covers the field directly.

Phase III: The Modern Synthesis — "Quashing" vs. "Compounding" (2012–2026)

To reconcile Article 142 with Section 320 CrPC / Section 359 BNSS, the Supreme Court established a vital legal distinction in Gian Singh v. State of Punjab (2012) and Ramgopal v. State of Madhya Pradesh (2021):

- **Compounding (Statutory):** Criminal courts cannot alter Section 320 CrPC / Section 359 BNSS. Non-compoundable offences cannot be compounded by regular courts.
- **Quashing under Article 142 (Constitutional):** The Supreme Court does not "compound" the offence; instead, it **quashes the prosecution altogether** to prevent an abuse of process or achieve complete justice.

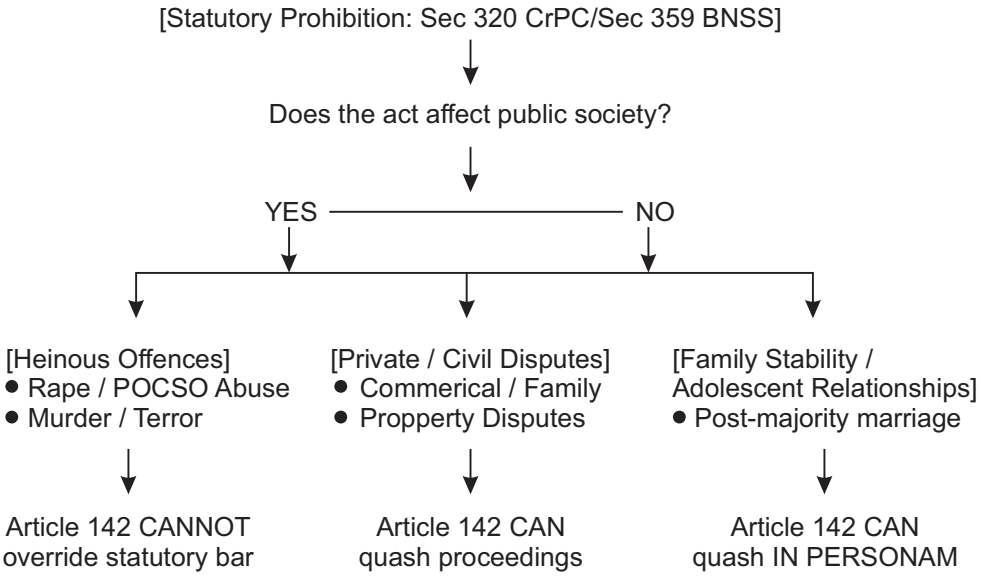
4. Judicial Safeguards: The Threshold for Overriding Statutory Bars

When invoking Article 142 to quash non-compoundable offences despite Section 320 CrPC / Section 359 BNSS, the Supreme Court applies a strict binary filter:

Category	High Public Impact / Heinous Offence	Private / Civil / Matrimonial Nature
Examples	Rape (POCSO), Murder, Dacoity, Corruption, Financial Scams.	Commercial disputes, Matrimonial harm, SC/ST Act private disputes, Adolescent POCSO post-marriage.
Art. 142 Applicability	**Barred.** Plenary power **cannot** be used to bypass Section 359/320 for serious, societal crimes.	**Permitted.** Plenary power overrides statutory bars to preserve domestic stability or prevent harassment.

Category	High Public Impact / Heinous Offence	Private / Civil / Matrimonial Nature
Precedential Status	N/A	Orders are frequently marked **in personam** (case-specific) so as not to dilute statutory deterrence.

5. Summary Matrix of Constitutional Conflict



- **Core Constitutional Rule:** Article 142 is a supreme constitutional valve intended to prevent complete breakdown of justice. However, to preserve the legislative mandate of Section 320 CrPC / Section 359 BNSS, its exercise over non-compoundable offences is strictly confined to non-heinous, private, or extraordinary personal situations where incarceration would yield greater social injury than justice.

CONCLUSION

Ultimately, the constitutional interplay between Article 142 and the statutory prohibitions under Section 320 CrPC (Section 359 BNSS) reflects a deliberate judicial balancing act between legislative supremacy and constitutional equity. While statutory law strictly bars the compounding of heinous crimes against society, Article 142 functions as a vital constitutional safety valve that enables the Supreme Court to quash non-compoundable proceedings when rigid statutory enforcement would destroy functional families, perpetuate social hardship, or result in a clear miscarriage of justice. By strictly distinguishing between impermissible statutory "compounding" and case-specific constitutional "quashing," while restricting relief in personam in sensitive matters like post-majority POCSO marriages, the Apex Court preserves the general deterrent mandate of criminal law without sacrificing the overarching constitutional promise of doing complete justice. The judgment in *Maruthupandi v. State* (2026 LiveLaw (SC) 614) reflects judicial pragmatism within Indian medicolegal and criminal jurisprudence[5]. While statutory child protection laws must remain stringent to prevent child abuse, rigid enforcement in cases of consensual adolescent relationships post-majority can yield counterproductive results[2,3]. By deploying Article 142, the Supreme Court successfully averted domestic disruption while maintaining the statutory authority of the POCSO Act through a strict restriction on its precedential applicability[5,9].

REFERENCES

1. Vijayalakshmi K, Senthil Kumar P. Medicolegal challenges in consensual adolescent relationships under the POCSO Act: A critical appraisal. *J Indian Acad Forensic Med*. 2024;46(2):112-118.

2. Protection of Children from Sexual Offences (POCSO) Act, 2012 (Act No. 32 of 2012). Government of India; 2012.
3. Sharma A, Rao NK. Judicial trends in quashing non-compoundable sexual offences: Balancing deterrence and victim welfare. *Indian J Law Crim Justice*. 2025;14(1):45-59.
4. Verdictum Bureau. Supreme Court uses Article 142 to quash POCSO conviction after accused and victim marry post-majority. *Verdictum Legal News*. Published June 10, 2026.
5. *Maruthupandi v. State*, 2026 LiveLaw (SC) 614 (Supreme Court of India, June 2026).
6. Courtbook News Network. Supreme Court sets aside POCSO conviction under Article 142 after victim and accused marry; calls order case-specific. *Courtbook India*. Published June 11, 2026.
7. Code of Criminal Procedure, 1973 (Act No. 2 of 1974), Section 320 & Section 482. Government of India; 1974.
8. Deshmukh R, Patel V. Article 142 vs. Statutory Bar: Analyzing the quashing of non-compoundable offences under POCSO. *Supreme Court Cases Law J*. 2025;8(3):201-215.
9. Constitution of India, 1950, Article 142. Ministry of Law and Justice, Government of India; 1950.
10. Ayyub Malik v. State of Uttarakhand 2026 SCC OnLine SC 637
11. ***K. Kirubakaran v. State of Tamil Nadu* 2025 SCC OnLine SC 2307; 2025 INSC 1272**
12. *Vijay Laxman Rotke v. State of Maharashtra* **2026 SCC OnLine Bom 2852**