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Supreme Court Urges Union To Bring 'Romeo-Juliet' Clause In POCSO Act To Shield Consensual Adolescent Relationships From Prosecution

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10 Jan 2026 10:49 AM

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In a significant development, the Supreme Court has suggested that the Union Government consider introducing a "Romeo-Juliet" clause in the POCSO Act to exempt adolescents who engage in consensual relationships from criminal prosecution, despite being below the age of consent (18 years) and having only a minor age difference.

*"Considering the fact that repeated judicial notice has been taken of the misuse of these laws, let a copy of this judgment be circulated to the Secretary, Law, Government of India, to consider initiation of steps as may be possible to curb this menace *inter alia*, the introduction of a Romeo – Juliet clause exempting genuine adolescent relationships from the stronghold of this law; enacting a mechanism enabling the prosecution of those persons who, by the use of these laws seeks to settle scores etc."*

ordered a bench of **Justices Sanjay Karol and N Kotiswar Singh**, as a post-script in a judgment delivered in a matter arising out of a Allahabad High Court's decision, which while granting bail to the juvenile had issued sweeping directions to the investigative agencies to conduct medical tests, such as ossification tests, at the very outset of investigation to determine the age of victims.

Setting aside the High Court's sweeping directions, the Top Court found it to be against the Juvenile Justice (Care and Protection of Children) Act, 2015, which prescribes a mandatory procedure under Section 94 to determine the age of the victim. The provision says that age is to be determined first on the basis of a matriculation or equivalent certificate, failing which a birth certificate issued by a municipal authority or panchayat is to be relied upon. Only in the absence of these documents can medical tests such as ossification tests be ordered.

Not interfering with the High Court's findings on the grant of bail, the judgment authored by **Justice Karol**, however, in a significant post-script to the judgment, acknowledged the growing misuse of the POCSO Act in cases where the relationship is romantic and consensual, but one of the parties is technically a minor. The Bench observed that such prosecutions often criminalise youthful relationships and result in severe consequences not only for the accused but also for the victim and their families.

A "Romeo-Juliet" clause, widely recognised in several jurisdictions, provides an exception to statutory rape laws where the age difference between the parties is minimal and the relationship is consensual. The purpose is to prevent harsh penal consequences in cases where two adolescents are close in age and willingly engaged in a relationship, distinguishing such situations from exploitative or abusive conduct.

Thus, the Court directed that a copy of its judgment be forwarded to the Secretary, Ministry of Law and Justice, Government of India, suggesting that the legislature consider introducing safeguards of this nature. The Court also recommended evolving a mechanism to penalise those who deliberately misuse POCSO provisions to settle personal scores or exert social pressure.

Cause Title: THE STATE OF UTTAR PRADESH VERSUS ANURUDH & ANR

Click here to download judgment (
https://www.livelaw.in/pdf_upload/5469320242026-01-09-645742.pdf)

Appearance:

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For Respondent(s) :Mr. D.S. Parmar, Adv.(A.C.) Mr. Saurabh Singh, Adv. Mr. Vedant Tiwari, Adv. Ms. Shambhavi Shrivastava, Adv. Ms. Archana, Adv.

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