

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.6585 of 2015

A.Pannerselvam

... Petitioner

Vs

1.State rep. by
Inspector of Police,
W17, All Women Police Station,
Peravallur, Chennai-52.
2.R.Thilothamma

.... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records connected with SC.No.8 of 2015 on
the file of the Mahila Court, Chennai and to quash the same.

For Petitioner : Mr.R.Veeramani

For Respondents: Mr.M.Mohamed Riyaz, GA [Crl. Side] [for
R1]

O R D E R

Seeking a prayer to quash the proceedings in SC.No.8 of 2015
on the file of the Mahila Court, Chennai.

2. Heard the learned counsel for the petitioner and the
learned Government Advocate appearing for the 1st respondent and
perused the materials placed on record.

3. It is the case of the prosecution that Pannerselvam
[accused] and Thilothama the defacto complainant were in love for
over two years. Thilothama attained majority only on 30.05.2015.
It appears that Pannerselvam and Thilothama had physical affair and
Thilothama conceived. At that time, Thilothama was a minor.

4. On a complaint lodged by Thilothama, the respondent police
registered a case in Crime No.6 of 2013 against Pannerselvam for
offences under Section 376, 506[i] IPC and Section 4 of POCSO Act,
2012. The police completed the investigation and filed a Final
Report on 06.11.2014 before the Mahila Court, Chennai.

5. In the meantime, Pannerselvam and Thilothama got married
and they are now living as husband and wife. Therefore, they come
before this Court for quashing the Final Report in SC.No.8 of 2015.
Today, Pannerselvam and Thilothama are present. Thilothama's
mother is also present. Thilothama has filed an affidavit,

wherein, in paragraph Nos.2 and 3 it is stated as follows:

"2. I submit that, the case given by me was registered as Crime No.6/2013 u/s.376 & 506[i] IPC r/w 4 of POCSO Act 2012. After investigation charge sheet was filed by the 1st respondent against the petitioner.

3. Following the same, there was conciliation. Further, I given birth of male baby, later named Monish. As I am less than marriageable age, a formal marriage was not arranged by both families. However, in the presence of relatives and friends a small 'Thali tying ceremony' was performed. Now, I am as well as the petitioner herein is living as husband and wife along with the male baby. I further submit that I have no interest in pursuing the case."

6. Thilothama's mother Lakshmi Devi has also filed a supporting affidavit, in which, in paragraph Nos.2 and 3, it is stated as follows:

"2. I submit that, the case given by 2nd respondent was registered as Crime No.6/2013 u/s.376 & 506[i] IPC r/w 4 of POCSO Act 2012. After investigation charge sheet was filed by the 1st respondent against the petitioner.

3. Following the same, there was conciliation between both the families. Further, the 2nd respondent given birth of male baby, later named Monish. As the 2nd respondent less than marriageable age, a formal marriage was not arranged by both families. However, in the presence of relatives and friends a small 'Thali tying ceremony' was performed. Now, the 2nd respondent as well as petitioner herein is living as husband and wife along with the male baby. I further submit that the 2nd respondent have no interest in pursuing the case."

7. Normally in an allegation of this nature, this Court would loath to quash the prosecution, especially when the victim was a child at the time, when the offence was committed. In this case, the victim during her adolescence appear to have fallen in love with the accused and they had physical relationship and on account of which, the victim conceived and a child has been born to them. Now, since both of them are married, no useful purpose would be served, if the prosecution in SC.No.8 of 2015 continues.

8. Mrs.A.Ezhilvizhi, Inspector of Police, W17, All Women Police Station, Sembiam Police Station is present and she had identified the parties. Under such circumstances, the prosecution in SC.No.8 of 2015 is quashed.

Sd/-

Assistant Registrar

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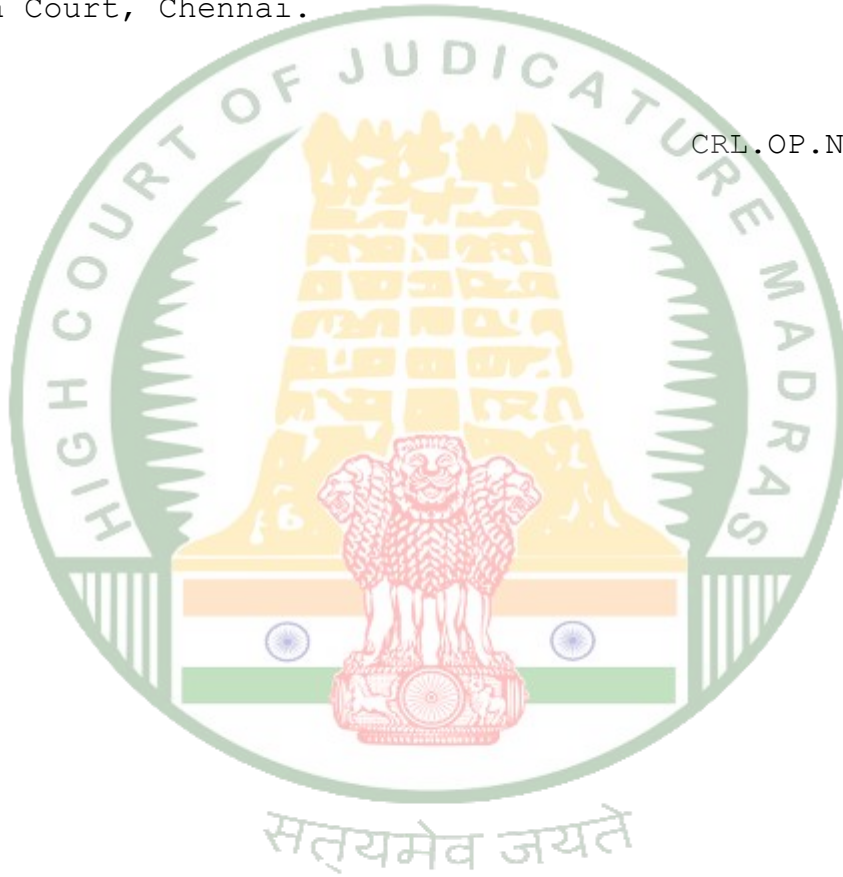
1.The Inspector of Police,
W17, All Women Police Station,
Peravallur, Chennai-52.

2.The Public Prosecutor,
High Court, Madras.

3.The Judge,
The Mahila Court, Chennai.

Rsi (co)
krd 30/6

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