



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2017

CORAM:

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.(MD)No.2813 of 2017

Premkumar

: Petitioner

Vs.

1. State Rep by its
The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
(Crime No.585 of 2016)

2. Mrs.Pandieshwari

: Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the First Information Report in Crime No.585 of 2016 dated 09.11.2016 registered Under Section 452 of the Indian Penal Code and Section 8 of Protection of Child from Sexual Offences Act, 2012 on the file of the Respondent No.1 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy
For Respondent No.1: Mr.A.P.Balasubramani,
Government Advocate (Cr1.side)
For Respondent No.2: Mr.M.Arjunvarman

O R D E R

On the complaint lodged by one Pandieshwari, the first respondent police registered a case in Crime No.585 of 2016 for offences under Section 452 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012, against Premkumar, challenging which, this quash application has been filed on the ground that the parties have arrived at a compromise.

2. Today, Mr.A.Manimaran, Inspector of Police, Palanichettipatti Police Station, Theni District, is present. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner, Mr.A.P.Balasubramani, learned Government Advocate (Criminal side) for the first respondent and Mr.M.Arjunvarman, learned counsel for the defacto complainant.



3. The victim girl appeared before this Court with her parents. They have also filed a joint compromise memo.

4. This Court gave its anxious consideration to the rival submissions.

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5. It is the case of prosecution that the victim girl was in the 10th standard student and that the accused herein jumped into her house through the terrace and misbehaved with her in the absence of her parents.

6. The father of the victim girl is physically handicapped and the mother of the victim girl is a poor coolie labourer working in the Cotton Mills. When enquired by this Court, the victim girl was in tears and she was forced to discontinue her 10th standard, because, she was feeling ashamed of going to School after this incident. This is indeed very tragic and the future of a bright young girl cannot be darkened on account of she being a victim of an offence that has been perpetrated on her without choice.

7. This Court also pursued the statement under Section 164 of the Code of Criminal Procedure that has been recorded by the Magistrate and satisfied that there are sufficient materials on record against the petitioner. Just because the parties have filed a joint compromise memo, it is not necessary that the prosecution should be quashed in a routine manner. In a case of this nature, because of social taboo, the victim girl has not only discontinued her studies, but must have been forced to accept this compromise. Therefore, this is not a fit case to quash the prosecution.

8. In the result, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (C)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

SML/MSA

TE/MR : 24/03/2017 : 2P/3C