



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) .No.8493 of 2017

and

Crl.M.P.(MD) .Nos.5737 and 5738 of 2017

Periyamaruthu @ Vigneshkumar

..Petitioner/Sole Accused

Vs.

1. State rep. by
The Inspector of Police,
Bodi Taluk Police Station,
Theni District.
(In Crime No.243 of 2017)

..1stRespondent/Complainant

2.Ranjithkumar

..2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Special Case No.29 of 2017 before the Fast Track Court (Mahila Court), Theni in Crime No.243 of 2017, on the file of the 1st respondent police and quash the same as illegal and devoid of merits.

For Petitioner : Mr.A.Uthaya Kumar

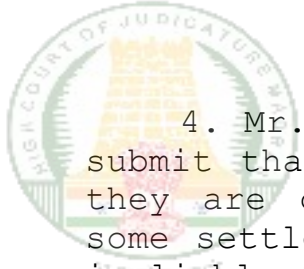
For R1 : Mr.K.Anbarasan
Government Advocate (Criminal side)

ORDER

This petition is filed seeking to quash the proceedings in Special Case No.29 of 2017 before the Fast Track Court (Mahila Court), Theni in Crime No.243 of 2017, on the file of the 1st respondent police.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the first respondent.

3. Based on the complaint of the second respondent a case has been registered against the petitioner in Crime No.243 of 2017 for the offences punishable under Sections 366 of IPC., and Section 5 (i) & 6 of POCSO Act, 2012, and after investigation, the respondent police filed final report, which was taken on file in Special Case No.29 of 2017 on the file of the learned Judge, Fast Track Court (Mahila Court), Theni.



4. Mr.A.Uthaya Kumar, learned counsel for the petitioner would submit that the petitioner and the victim girl are relatives and they are cousins. In such circumstances there is likelihood of some settlement out of Court. Since the complaint is motivated it is liable to be quashed.

5. The learned Government Advocate (Crl. Side), strongly objected to allow this petition.

6.Considering the rival submissions made by both sides and also the stage of the case, this Court is not inclined to quash the special case. No ground is made out to quash the proceedings. Hence, the criminal original petition is dismissed. Consequently, connected M.P.(MD).No.5737 of 2017 is closed. However, the personal appearance of the petitioner in Special Case No.29 of 2017 is dispensed with and he is directed to appear before the trial court, when his presence is required by the learned Judge, Fast Track Court (Mahila Court), Theni.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To

1. The Judge,
Fast Track Court (Mahila Court),
Theni.
2. The Inspector of Police,
Bodi Taluk Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.8493 of 2017
06.07.2017

PJL

AM/SKN RSK/SAR 4/20.07.2017/2P/4C