



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD)No.16438 of 2018

Sivalingam

... Petitioner

Vs.

1. The State rep by
The Inspector of Police
All Women Police Station
Kanyakumari
Kanyakumari District
2. The District Social Welfare Officer
District Social Welfare Officer
Nagercoil
Kanyakumari District
3. I.Seetha

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the Crime No. 6 of 2017 on the file of the first respondent dated 13.07.2017 and quash the same.

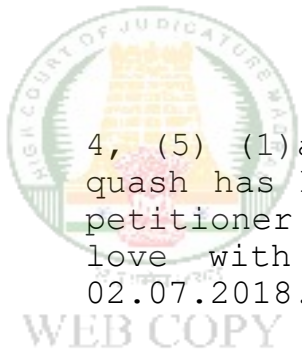
For Petitioner : Mr.A.Srinivasan

For Respondent : Mr.K.Suyambulinga Bharathi
No.1 Government Advocate (Cr1.Side)

ORDER

This petition has been filed seeking to quash proceedings in Cr.No.6 of 2017 pending on the file of the first respondent.

2. The complaint was given by Social Welfare Officer to the respondent police on the ground that victim who was minor was sexually abused by the petitioner and therefore action must be taken. The respondent police on receipt of complaint registered First Information Report in Crime No.06 of 2017 for offence under section 4, (5) (1) and Section (6) of the POCSO Act. @ under section



4, (5) (1) and Section (6), 17 of the POCSO Act. This petition for quash has been filed by the accused person on the ground that the petitioner and the victim girl are relatives and they both fell in love with each other and therefore they both got married on 02.07.2018.

3. This Court directed the parties to be present before this court. The victim girl Seetha was personally enquired by this Court. She submitted that her Date of Birth is 02.05.2000 and she was in love with the petitioner for a long time and that the petitioner is a distant relative for her. She further submitted that she has married the petitioner on 02.07.2018. She also submitted before the Court that she is living with her husband happily and the parents belonging to the both the sides have also subsequently accepted the marriage and cordial relationship is now prevailing between both the families. She categorically stated that she was not forcibly taken by the petitioner. The petitioner who was present before the Court was personally examined and he also reiterated the statements made by the victim girl.

4. This Court took into consideration the prevailing facts and circumstances of the case.

5. It is seen that the petitioner and the victim girl are related to each other and both of them fell in love and their relationship continues for a long time. The victim girl was not taken away by force and she voluntarily went away with the petitioner. Subsequently they got married on 02.07.2018. On the date of marriage, the victim girl had become major.

6. This Court is convinced that no useful purpose will be served by keeping the criminal case pending against the petitioner. In view of the above said development, in the interest of justice, this Court exercising its power under Section 482 of Cr.P.C hereby quashes the First Information Report in Crime No.6 of 2017.

7. The Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS-I)



To:

1. The Inspector of Police
All Women Police Station
Kanyakumari
Kanyakumari District
Tirunelveli District
2. The District Social Welfare Officer
District Social Welfare Officer
Nagercoil
Kanyakumari District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC To MR.A.SRINIVASAN, Advocate SR. NO. 85387

Cr1.O.P.(MD)No.16438 of 2018
19.09.2018

AAV

TR/RSK/SAR-I(12.10.2018)3P 5C