



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.03.2020

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PRESENT

THE HON`BLE **MR.JUSTICE G.R.SWAMINATHAN**

Crl.O.P(MD) .No.542 of 2020

1.Kaleeswaran

2.Kuppayee @ Selvi

... Petitioners/Accused 1 & 2

Vs

1.The State rep., by its

The Inspector of Police,

Karaikudi South Police Station,

Sivagangai District.

(Crime No.239 of 2018) ... 1st Respondent/Complainant

2.Vijayarani

... 2nd Respondent/Defacto Complainant

3.Vaitheeswari

... 3rd Respondent/Victim

PRAYER : Petition is filed under Section 482 of Cr.P.C to call for the entire records in relating to the impugned charge sheet in Spl.S.C.No.2 of 2019 on the file of the learned Fast Track Mahila Court, Sivagangai and to quash the same.

For Petitioners

: Mr.M.S.Jeyakarthick

For Respondents

: Mr.A.Robinson

Government Advocate (Crl.side) for R1

Mr.S.Vijayakumar (for R2 & R3)

ORDER

This original petition has been filed for quashing the impugned proceedings in Spl.S.C.No.2 of 2019 on the file of the Fast Track Mahila Court, Sivagangai. The defacto complainant is one Vijayarani. She lodged a complaint before the Inspector of Police, Karaikudi South Police Station against the first petitioner viz., Kaleeswaran. The case was registered for the offence under Section 366 (A) of IPC. The case was investigated and final report was filed. At the time of filing a final report, the offences under the Protection of Child from Sexual Offences Act (POCSO) were also added. The learned Judge, Mahila Court, Sivagangai took cognizance of the offences. Originally, the second petitioner herein, who is the aunt of the first petitioner, was figuring as the prosecution witnesses. She turned hostile. Thereupon, following orders of the



trial Court, she was also made as an accused and charges were framed against her.

2.Today, the defacto complainant namely, Vijayarani as well as the victim namely, Vaitheeswari appeared in person before me. Vijayarani, who is the mother of Vaitheeswari, informs me that she had given a false complaint against the first petitioner herein. Vaitheeswari also states that she did not depose in favour of the prosecution. She turned hostile. A copy of the same has also been furnished before me. When so called victim herself turned hostile and the defacto complainant also stated that she had given a false complaint, I am of the view that no purpose will be served in continuing the impugned prosecution. The first petitioner, who is present in person, undertakes before me that he will formally marry the third respondent herein on or before 01.04.2021 and register the same. Therefore, I am of the view that the continuance of the impugned prosecution will bound to ruin the lives of the parties.

3.In this view of the matter, the impugned proceedings in Spl.S.C.No.2 of 2019 on the file of the Fast Track Mahila Court, Sivagangai stands quashed. This Criminal Original Petition is allowed accordingly.

4.The learned counsel appearing for the petitioners states that since today (05.03.2020), the case was posted for trial before the Court below, in view of the non appearance of the petitioners herein, Non Bailable Warrant has been issued. Inasmuch as the proceedings have been quashed, the petitioners are directed to appear before the Court below and formally have the warrant recalled.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

1.The Fast Track Mahila Court, Sivagangai.

2.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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+2 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-10309[F] dated
06/03/2020)

ORDER IN
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TR (06.03.2020) 3P 6C