



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No. 22791 of 2017
and
CrI.M.P.No. 13293 of 2017

Elumalai

...Petitioner /Accused

Vs

1. The Inspector of Police
Thiruvannamalai East Police Station
Thiruvannamalai District.

2.Anbazhagan

...Respondents/Complainant/
Defendant Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in Special Session Case No.2 of 2015 on the file of the Mahalir Neethimandram Fast Track Mahila Court, Thiruvannamalai and quash the same.

For Petitioners ... Dr.A.Thiyagarajan, Sr Counsel
for Mr.M.Nallathambi

For respondents ... Mr.R.Kishore Kumar
Government Advocate
(Criminal Side) for R.1
No appearance for R.2.

O R D E R

This Criminal Original Petition has been filed to quash Special Session Case No.2 of 2015 on the file of the Mahalir Neethimandram Fast Track Mahila Court, Thiruvannamalai.

2. The prosecution case has been launched for the offences punishable under Sections 366 A, 376 of the Indian Penal Code, Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act 2006.

3. Heard Dr.A.Thiyagarajan, learned Senior Counsel for the petitioner, Mr.S.Vinoth Kumar, learned Government Advocate



(Criminal Side) appearing for the first respondent. There is no representation on behalf of the second respondent. Perused the materials available on record.

4. The main contention of the learned Senior Counsel appearing for the petitioner is that in the evidence of P.W.1 she has stated that she has attained majority at the time of offence. She voluntarily gone with the accused. When there are no materials available on record to prove that she has been kidnapped, no offence was made out, as projected by the prosecution. Hence it is his submission that entire proceedings has to be quashed.

5. It is to be noted that charges are very serious in nature. The other witnesses have to be examined by the prosecution to find out whether the charges against the petitioner are established or not. Quashment of the proceedings merely based on the statement of P.W.1 cannot be sustained in the eye of law. On the basis of the evidence adduced by P.W.1, the petitioner wants to take advantage of the same before the trial Court. Hence, this Court is not inclined to entertain this Criminal Original Petition.

6. Accordingly, this Criminal Original Petition is dismissed. Trial Court is directed to issue summons to the remaining witnesses to complete the trial. In the event of remaining witnesses are not cooperating, the trial Court shall take coercive steps to bring the witnesses to the Court and complete the trial, particularly taking note of the categorical evidence adduced by the victim, within a period of two months, from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Inspector of Police
Thiruvannamalai East Police Station
Thiruvannamalai District.



2. The Mahalir Neethimandram Fast Track Mahila Judge,
Thiruvannamalai

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Nallathambi, Advocate, S.R.No.60596

Cr1. O.P. No.22791 of 2017

BR(CO)
CT 07/12/2021