



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 22.02.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.727 of 2020

1.K.Selvi
2.G.Kumar

.. Petitioners/Petitioners/Accused 2 & 3

Vs.

State through,
The Inspector of Police,
Cumbam Noth Police Station,
Theni District.
(Crime No.231/2019)

.. Respondent/Respondent/Complainant

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to set aside the order in Cr.M.P.No.178 of 2020 in Spl.S.C.No.83 of 2019, dated 05.12.2020, on the file of the Fast Track Mahila Court, Theni.

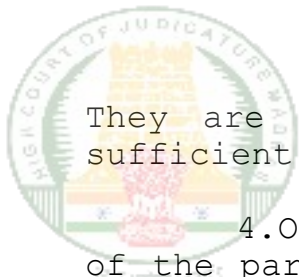
For Petitioner	: Mr.P.Aju Tagore
For Respondent	: Mrs.S.Bharathi
	Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order in Cr.M.P.No.178 of 2020 in Spl.S.C.No.83 of 2019, dated 05.12.2020, on the file of the Fast Track Mahila Court, Theni.

2.A case in Crime No.231 of 2019 has been registered against the petitioners, under POCSO Act, alleging that they were criminally intimidating the victim girl to marry their son. The case was taken on file as Spl.S.C.No.83 of 2019. The petitioners filed an application in Crl.M.P.No.178 of 2020, to discharge them from the offence under Section 17 of POCSO Act. The petition filed by the petitioners was dismissed, against which, the petitioners are before this Court.

3.On the side of the petitioners, it is stated that charge under Section 17 of POCSO Act is not made out. The definition of abetment under POCSO Act provisions is not made out against the petitioners. The petitioners never instigated their son to commit any offence. The petitioners did not aid their son to do the offence and the ingredients under Section 16 of POCSO Act is not made out.



They are not available at the time of occurrence. There is no sufficient materials to frame charge under Section 17 of POCSO Act.

4. On the side of the respondent, it is stated that abetment of the parents by offering biriyani is specifically stated, in the statement recorded from the victim. The statement of the victim clearly states that the petitioners threatened the victim to love and marry their son. The petitioners gave love torture to the victim girl. 161 Cr.P.C statement recorded from the list of witnesses Lws 1,2,3,6 & 7 clearly reveals that the petitioners threatened the victim. The statement of the victim under Section 164 of Cr.P.C also reveals that the petitioners compelled the victim girl to marry their son. There is no reason to discharge the petitioners from the charge. There is no need to interfere with the order passed by the learned trial judge.

5. In reply, it is stated by the learned counsel for the petitioners that instigating to marry a person will not come under POCSO Act. There is no abetment and prayed to discharge the petitioners from the charges.

6. The allegation against the petitioners is that they induced their son to commit offence, punishable under POCSO Act. Whether the act of the petitioners can be treated as abetment can be decided only after the examination of the witnesses before the Court. It is seen 161 Cr.P.C statements were recorded from 16 witnesses and 164 Cr.P.C statement of the victim girl was recorded, whether the action of the petitioners comes under Section 16 of POCSO Act, can be decided only after completion of the trial.

7. In the above circumstances, there is no infirmity in the order passed by the lower Court and hence this Criminal Revision is dismissed.

Sd/-
Assistant Registrar (AD-II)

/TRUE COPY/

/ /2020
Sub Assistant Registrar

vrn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

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

CrI. R.C. (MD)No.727 of 2020

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NR(05.03.2021) 3P:4C