



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.18742 of 2021

and

Crl.M.P. (MD)No.10382 of 2021

WEB COPY

1.S.Balamurugan

2.M.Pitchai

... Petitioners/Accused No.1&2

Vs.

1.State through

The Inspector of Police,
Vadipatti Police Station,
Madurai District.

(Crime No.92 of 2021)

... 1st Respondent/Complainant

2.The Social Welfare Officer (Woman),

Vadipatti Union,
Madurai District.

... 2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.92 of 2021 dated 23.02.2021 on the file of the 1st respondent police and quash the same as illegal.

For Petitioners : Mr.S.Kishore Kumar

For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side)

ORDER

This criminal original petition has been filed to quash the FIR in Crime No.92 of 2021 registered on the file of the first respondent.

2.The victim is present in person before this Court. I am more than satisfied that this is not a regular case in which the POCSO Act offences can be invoked. The victim appears to be bereft of any parental support. Therefore, the family elders had organized a regular wedding. The victim gave birth to a male child. If the criminal case is allowed to proceed to its logical conclusion, it will definitely spell ruin to all the parties concerned. My conscience is satisfied that it would only result in monstrous injustice. Since the victim has not attained majority, I am not in a position to quash the FIR. I expect the respondent police not to file any final report in the meanwhile. After the victim attains majority, the petitioner can file a fresh petition and the prosecution can be quashed thereafter.



3.With these observations, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Inspector of Police,
Vadipatti Police Station,
Madurai District.
- 2.The Social Welfare Officer (Woman),
Vadipatti Union,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.Kishore Kumar, Advocate (SR-36462[F] dated 30/11/2021)

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RS (07.12.2021) 2P 5C