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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Cr1.O.P.No.10466 of 2022

Mr.Deepan

...Petitioner/Accused

Vs.

1. State by
The Inspector of Police,
Cuddalore Harbour Police Station,
Cuddalore.
(Crime No.138 of 2020)

2. Sathya ...Respondents/Defacto Complainant

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records pursuant to the Spl.S.C.26 of 2020, Charge Sheet in Crime No.138 of 2020 on the file of 1st respondent, graciously quash the same by allowing this criminal original petition.

For Petitioner: Mr.T.Subramanian

For Respondent: Mr.A.Gokula Krishnan
Additional Public Prosecutor for R1

O R D E R

This petition has been filed to call for the entire records pursuant to the Spl.S.C.26 of 2020, Charge Sheet in Crime No.138 of 2020 on the file of the 1st respondent and quash the same.

2.The case of the petitioner is that petitioner/accused is a fisherman, he was charged under 5(i) and 6 of POCSO Act along with Section 366 of IPC. The defacto complainant daughter's Trisha was minor and she was 17 years old on the date of occurrence.

3.The further case of the petitioner is that the petitioner and the defacto complainant's daughter were friends and they fell in love with each other. The defacto complainant's daughter is the victim girl herein. On 25.05.2020, the victim girl ran away from her house along with the petitioner without the knowledge of her parents.



4.The learned counsel for the petitioner submitted that petitioner and the victim girl fell in love with each other. The alleged offence took place on 25.05.2020, during such time the victim girl was minor, now the victim girl became major. She is under the custody of her parents. The learned counsel states that even though the victim girl is major she is restrained by her parents as against her wish. Now, the victim girl, being a major, has given her consent to marry the petitioner and therefore, the charge-sheet is liable to be quashed.

5.The learned Additional Public Prosecutor submitted that all the prosecution witnesses have been examined and the matter is posted for questioning under Section 313 of Cr.P.C. In such view of the matter, the question of quashing the final report does not arise at all.

6.In view of the submission made by the learned Additional Public Prosecutor that the case is posted for questioning under Section 313 Cr.P.C., it would not be appropriate to quash the criminal proceedings at this stage. As the examination of prosecution side witnesses are over, now, it is for the trial Court to appreciate the oral and documentary evidence on record and arrive at a just conclusion. Therefore, this Court is not inclined to quash the criminal proceedings at this stage.

7.Accordingly, this criminal original petition stands dismissed with a direction to the Court below to complete the proceedings as expeditiously as possible, not later than a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Session Judge,
Special Court for Exclusive Trial of
Cases under POCSO Act
Cuddalore.
2. The Principal Sessions District Judge,
Cuddalore.



3. The Inspector of Police,
Cuddalore Harbour Police Station,
Cuddalore.

4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10466 of 2022

VG-II (CO)
RGA (06/07/2022)