



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.5648 of 2022

and

CRL.MP.No.3124 of 2022

Prithiviraj,
S/o.Ramalingam

... Petitioner

Vs

1.The State Represented by
The Inspector of Police
AWPS-Chidambaram Police Station
Cuddalore District.
(Crime No.08 of 2020)

2.Ananthi,
W/o.Balasubramaniyan

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Special Sessions Case No.75 of 2020 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore and quash the same.

For Petitioner : Mr.N.U.Pressanna

For Respondents :

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 : No appearance

ORDER

This Criminal Original Petition has been filed, to quash the proceedings in Special Sessions Case No.75 of 2020 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases, Under POCSO Act, Cuddalore for the offence under Sections 5(j) (ii), 5(1) and Section 6(ii) of POCSO Act ,2012.

2. The gist of the case is that the second respondent/defacto complainant Ananthi is mother of the victim girl. On 27.03.2020, while her younger daughter Thillainayagi



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was going to defecation, the petitioner induced with the victim girl, on a false promise of marriage and had sexual intercourse with her, due to which, the victim girl had become pregnant. At that time, the victim girl was aged about 16 years 10 months only. Based on the complaint given by the second respondent/defacto complainant, a case in Crime No.8 of 2020 was registered for offences under Sections 5(j) (ii), 5(1) and Section 6(ii) of POCSO Act, 2012. The first respondent after completion of the investigation, has filed the final report and the case has been taken in Special Sessions Case No.75 of 2020 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases, Under POCSO Act, 2012, Cuddalore for the offence under Sections 5(j) (ii), 5(1) and Section 6(ii) of POCSO Act, 2012.

3. Mr.N.U.Pressanna, learned counsel appearing for the petitioner would submit that the petitioner and the victim girl were in love affair prior to the occurrence and further submit that the victim girl and the petitioner hail from the same village and belongs to same community, without understanding the consequences, they fell in love and there was consensual affair and the victim girl had become pregnant. The victim has also delivered a male child on 13.12.2020 and the child is one year and three months old.

4. By passage of time, the family members of the petitioner as well as the victim girl resolved their issues and due to the intervention of the parents of both the parties and the family friends and well-wishers, a marriage was performed between the petitioner and the victim girl on 24.11.2021 after she attained majority and the marriage was also registered in Marriage Sl.No.TMR/Chidambaram Joint, by the Office of the Marriage Registration at the District Registrar's Office, Chidambaram.

5. The learned Additional Public Prosecutor appearing for the first respondent would submit that the petitioner and the victim girl belong to the same community and they are known to each other for long. On 27.03.2020, the petitioner had sexual intercourse with the victim girl, due to which, the victim girl has become pregnant, thereafter, the victim girl had delivered a male child. He would further submit that on the date of occurrence, the victim girl was aged about 16 years and 10 months. After completing the investigation, the first respondent has filed the charge sheet/final report before the learned Sessions Judge, Special Court for Exclusive Trial of Cases, Under POCSO Act, Cuddalore and the case was taken up in



Special Sessions Case No.75 of 2020 for the offence under Sections 5(j) (ii), 5(l) and Section 6(ii) of POCSO Act, 2012. He would submit that there are nineteen witnesses in this case.

6. This Court considered the rival submissions and perused the materials available on record and also the Joint Compromise Memo filed by the petitioner and the second respondent.

7. Today, the petitioner and the victim girl and their family members appeared before this Court and this Court enquired both the parties.

8. It is submitted by both the counsels that the petitioner and the victim girl and their family members belonging to same community, the petitioner and the victim girl fell in love and that there was a consensual relationship between the parties, without understanding the consequences, due to which, the victim girl had become pregnant and delivered a male child, due to the intervention of the parents of both the parties, the family members and well-wishers, a marriage was performed between the petitioner and the victim girl on 24.11.2021 after the victim girl had attained the age of majority on 24.11.2021. The victim girl has also delivered a male child on 13.12.2020.

9. This Court in the case of "Sabari Vs The Inspector of Police reported in 2019 (2) MLJ CrL.110, had observed that during the adolescent age, boys and girls got involved in a relationship, such relationship would be the result of mutual innocence and biological attraction, which cannot be construed as an unnatural one or alien to between relationship of opposite sexes. Further, due to the intervention of parents of both parties and well wishers and family friends, marriage has been performed after the victim girl has attained majority and she has also delivered a child. Further, prosecution will only result in frustration of both parties.

10. In view of the above and the compromise arrived between the parties, this Court finds that continuation of the proceedings will serve no purpose and it is only be an abuse of process of law resulting in frustration to the parties.

11. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Special Sessions Case No.75 of 2020 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore is hereby



quashed and the Joint Compromise Memo filed by the petitioner and the second respondent shall form part and parcel of this case. Consequently, connected Criminal Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-VIII)

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Sub Assistant Registrar

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To

- 1.The Inspector of Police
AWPS-Chidambaram Police Station
Cuddalore District.
- 2.The Sessions Judge, Special Court for Exclusive Trial of
Cases under POCSO Act, Cuddalore.
- 3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.N.U.Pressanna, Advocate SR.No.17307

CRL.O.P.No.5648 of 2022
and CRL.M.P.No.3124 of 2022

PMK (CO)
GN (29/03/2022)