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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.O.P.NO.6802 OF 2019

AND

CRL.M.P.NO.3924 OF 2019

Dinesh @ Appu

... Petitioner/Accused

Vs.

1. The state rep. by
The Inspector of Police,
W15- Royapuram All Women Police Station,
Royapuram, Chennai-13.

... 1st Respondent/Complainant

2. Andrus Morrison

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to S.C.No.323 of 2018, on the file of Mahila Session Court, Chennai and quash the same.

For Petitioner : Mr.Prince Prem Kumar
for A.Vinoth Kumar

For Respondent : Mr.N.S.Suganthan
No.1 Government Advocate
(Criminal Side)

For R2 : M/s.Malini George

O R D E R

This Criminal Original Petition is filed to quash the criminal complaint pending against the petitioner before the Mahila Court, Chennai in S.C.No.323 of 2018 for the alleged offence under Section 366 (A) of IPC and 4 of POCSO Act altered to Section 366 of IPC and 6 of POCSO Act.



2.The short point involved in this case is that a girl aged 17 years found missing on 21.12.2017. Hence her father lodged a complaint reporting the missing of the minor girl. Later it was found that she had eloped with the petitioner herein. Both the minor girl and the petitioner were secured and on completion of investigation, the final report was filed and the same was taken on file by the Mahila Session Court, Chennai and later, transferred to Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

3. Pending trial, the accused had approached this Court to quash the complaint on the ground that the victim girl fell in love with him and joined him on her own and living happily after giving birth to a female child on 21.12.2019. Without application of mind, the respondent police has registered the complaint and if the trial continues, it will cause hardship to the petitioner as well as the victim girl.

4.The learned counsel for the petitioner would submit that the subsequent to the complaint and securing the minor girl, she has attained majority, married him which was duly solemnised and got registered on 24.01.2019. The petitioner is happily living with the daughter of the defacto complainant.

5.The petitioner, the defacto complainant and her daughter are all present before this Court today. This Court after giving anxious consideration to the submission made and the law, governing the facts, direct the parties to appear before the trial Court and make all the submissions made here before the trial Court. The Trial Court, on recording the statement, shall pass appropriate order and the said order shall be passed within a period of 60 days from today. Accordingly, this Criminal Original Petition is disposed of. The connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vri/jai

To

1. The Mahila Sessions Judge,
Chennai.



2. The Special Court for Exclusive Trial of
Cases under POCSO Act, Chennai.

3. The Inspector of Police,
W15- Royapuram All Women Police Station,
Royapuram, Chennai-13.

4. The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to M/s.A.Vinoth Kumar, Advocate, S.R.No.33382

+1cc to M/s.Malini George, Advocate, S.R.No.33333

Cr1.O.P.No.6802 of 2019
and
CRL.M.P.No.3924 of 2019

NRJK(CO)
RLP(17/06/2022)