



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.24937 OF 2021

AND

CRL.M.P.NOS.13749 & 13750 OF 2021

1. G.Sivasankar
2. G.Poorani
3. S.Chithra

... Petitioners/Accused
1, 3 & 4

.Vs.

1. The State Rep. By
The Inspector of Police,
Nettapakkam,
Puducherry District.

... Respondent/Respondent

2. Saranya

... Respondent/Defacto
Complainant

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the charge sheet filed in Spl.S.C.No.26 of 2020 on the file of the Special Judge, (Under POCSO Act, 2012), Pudhucherry in so far as the petitioners/accused - 1,3 and 4 are concern.

For Petitioners : Mr.K.Gandhikumar

For Respondent No.1 : Mr.V.Balamurugane
Public Prosecutor
(Puducherry)

ORDER

This Criminal Original Petition has been filed to call for the records and quash the charge sheet filed in Spl.S.C.No.26 of 2020, on the file of the Special Judge, (Under POCSO Act, 2012), Pudhucherry, so far as the petitioners/accused - 1,3 and 4 are concern.



2. The case of the prosecution is that the defacto complainant had love affair with the first accused and thereafter, she became pregnant. After coming to know about the same, both parents warned them, but later, they agreed for their marriage. The defacto complainant went for checkup on 11.12.2019 and the doctor referred her to consult the Rajeev Gandhi Women's Hospital, Puducherry as she had low blood level and anemia. On 12.12.2019, after checkup, the defacto complainant got admitted in the hospital. The hospital authorities informed the respondent police that the defacto complainant who is under 18 years was admitted in the hospital for treatment and she was four months pregnant and her date of birth was 12.01.2002. Based on the same, FIR was registered in Crime No.91 of 2019, on 13.12.2019.

3. The defacto complainant has filed an affidavit on 02.02.2022, stating that their marriage was solemnized on 16.12.2019 and they are blessed with a male child and leading their matrimonial life happily. She further states that she is not interested to prosecute the case in Spl.S.C.No.26 of 2020, on the file of the Special Judge, (Under POCSO Act, 2012), Pudhucherry.

4. The defacto complainant/victim was produced by the first respondent and she was present in the Video conferencing. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. This Court in the case of "Sabari Vs. Inspector of Police reported in 2019(2) MLJ Cr1.110", 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.

6. In a similar situation in the case of "Kumar @ Tennish Vs. The Inspector of Police, Latheri Police Station, Katpadi Taluk, Vellore and another in Cr1.O.p.No.16648 of 2018", this Court had quashed the proceedings on the compromise arrived between the accused and defacto complainant.

7. 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.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Spl.S.C.No.26 of 2020 on the file of the Special Judge, (Under POCSO Act, 2012), is



hereby quashed and the affidavit filed by the victim/2nd respondent shall form part and parcel of this case. Consequently, the connected Miscellaneous Petitions are closed.

* Xerox Copy of Affidavit filed by the De-facto Complainant Mrs.Saranya is enclosed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Judge,
(POCSO Act),
Puducherry.
2. The Inspector of Police,
Nettapakkam,
Puducherry District.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Gandhikumar, Advocate, S.R.No.6915

CRL.O.P.NO.24937 OF 2021

SJ(CO)
PBS/28/02/2022