



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.318 of 2022

& Crl.M.P(MD) No.4019 2022

Suriya @ Suriya Prakash

... Petitioner/Sole Accused

Vs

The State by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(Crime No.120 of 2021)

... Respondent/Complainant

Prayer: This Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. to call for the records and set aside the order dated 28.02.2022 passed in Cr.M.P.No.481/2021 in Spl.S.C.No.08/2021 on the file of the Learned Special Court for Exclusive Trail of Cases Under POSCO Act, Thanjavur District.

For Petitioner : Mr.C.Suresh Kannan

For Respondent : Mrs.M.Aasha
Government Advocate
(Criminal Side)

O R D E R

This Criminal Revision Case has been filed challenging the impugned order dated 28.02.2022 passed in Cr.M.P.No.481/2021 in Spl.S.C.No.08/2021, by the learned Special Court for Exclusive Trail of Cases Under POSCO Act, Thanjavur District, thereby, dismissing the petition filed by the petitioner for discharge.

2.The petitioner is a sole accused in Spl.S.C.No.8 of 2021, having been taken cognizance under Section 366 IPC, 6, 5(1), 11(4), 12 of POCSO Act and Section 9 of Prohibition of Child Marriage Act. The case of the prosecution is that when the victim girl was staying in her uncle's house, the accused developed acquaintance with the victim girl and enticed her and forcibly had sexual intercourse with the victim girl. Thereby, on 05.02.2021, the petitioner pledged the jewels of the victim and kidnapped her to Chennai and from there to Coimbatore and stayed there. Again the accused forcibly had sexual intercourse with the victim girl, several times.



3.The learned counsel for the petitioner submitted that before the Court below, both the family members amicably settled their issue and the petitioner is now ready and willing to marry the victim, after attainment of her majority. However, the said request was not considered by the Court below and dismissed the petition filed for discharge.

4.Now also, the learned counsel for the petitioner would submit that the family members of the petitioner and the victim's family amicably settled the issue and they are ready to conduct marriage between the victim and petitioner. Though, the petitioner is ready and willing to marry the victim girl, it cannot be considered for discharging him from the entire charges, since, admittedly when the victim girl was minor, the petitioner kidnapped her and had sexual intercourse with her on several times in the pretext of marriage. However, considering the settlement between both the families and the petitioner is ready and willing to marry the victim, the petitioner and victim's family are at liberty to file a quash petition, on the ground of compromise, after registering the marriage between the petitioner and the victim girl.

5.With this liberty, this Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 Judge,
Special Court for Exclusive Trail of Cases Under POSCO Act,
Thanjavur Thanjavur District.
- 2.The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer, Criminal (Records),
Madurai Bench of Madras High Court,
Madurai.

CrI.R.C. (MD) No. 318 of 2022
& CrI.MP (MD) No. 4019 2022
28.03.2022

MGJ(07.04.2022) 3P 6C