



Crl.O.P.(MD) No.14398 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.08.2022

CORAM:

THE HONOURABLE **MR.JUSTICE V.SIVAGNANAM**

Crl.O.P.(MD) No.14398 of 2022
and Crl.M.P(MD) No.9281 of 2022

Kamaraj

... Petitioner

Vs.

1. The Inspector of Police
Kallal Police Station
Sivagangai District

2. Sivakumar
Probation Officer
Social Welfare Department
Sivagangai

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Spl.S.C.No. 48 of 2019 pending on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act 2012, Sivagangai and quash the same as illegal in respect of this petitioner

For Petitioner : Mr.C.Arulvadivel@ Sekar
For Respondents : Mr.E.Antony Sahaya Prabahar
No.1 Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No. 48 of 2019 pending on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act 2012, Sivagangai

2. The learned counsel for the petitioner would submit that the petitioner along with other accused were charged for the offences under Sections 21(1) r/w.17 of the POCSO Act, 2012 by the respondent police. The case against this petitioner was split up in the year 2013. With regard to the remaining accused, the trial was conducted before the Special Court for Exclusive trial of cases under the POCSO Act, Sivagangai and all the accused were acquitted by an judgment dated 20.04.2022. Further the victim has not supported the case of the prosecution. Under these circumstances keeping the case pending as against this petitioner would be of no use, hence he pleaded to quash the same.



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3. The learned Additional Public Prosecutor would submit that originally the petitioner along with other accused were charged for offences under Sections 21(1)r/w.Section 17 of POCSO Act, 2012 by the respondent police. As against this petitioner, the case was split up in Spl.S.C. No.48 of 2019 and with regard to other accused persons, the trial was conducted and ended in acquittal by an judgement dated 20.04.2022.

4. I have considered the submission of the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents police.

5. Perusal of the record reveals the fact that the petitioner is the 13th accused in Special S.C. No.65 of 2018 pending on the file of the Special Court for Exclusive trial of cases under the POCSO Act, Sivagangai. The case against the petitioner was split up in Special S.C. No.48 of 2019 and with regard to the other accused trial was conducted. Since the prosecution witnesses not supported the prosecution case, the



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case ended in acquittal on 20.04.2022. Now the split up case in Spl.S.C.No.48 of 2019 is alone pending as against the petitioner. Since the prosecution witnesses not supported the prosecution case, keeping the case pending as against this petitioner will not serve any purpose, hence it is liable to be quashed.

6.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No. 48 of 2019 pending on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act 2012, Sivagangai, is quashed insofar as the petitioner alone. Consequently connected miscellaneous petition is also closed.

11.08.2022

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
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To
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1. The Special Court for Exclusive Trial of Cases
under the POCSO Act 2012, Sivagangai
2. The Inspector of Police
Kallal Police Station
Sivagangai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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