



CRL.O.P (MD) No.15508 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2022

CORAM

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

CRL.O.P (MD) No.15508 of 2022

Raju

...Petitioner

Vs.

1.The State of Tamil Nadu represented by  
The Inspector of Police,  
Courtallam Police Station,  
Tenkasi District.  
(Crime No.476 of 2017)

2.xxxxx

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the impugned Final Report in Spl.C.C.No.90 of 2020 on the file of the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and quash the same.

For Petitioner :Mr.V.Sasikumar

For R1 :Mr.B.Nambi Selvan  
Additional Public Prosecutor

For R2 :Mr.S.Sankar



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## **ORDER**

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This Criminal Original Petition has been filed to quash the proceedings in Spl.C.C.No.90 of 2020 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

2.The learned Counsel for the Petitioner would submit that the Petitioner was working as a Teacher at the relevant point of time. The second Respondent/De-Facto Complainant was a student of 12<sup>th</sup> Standard. She had contacted her lover through mobile phone of the Petitioner, for which the Petitioner has not accepted the same. Aggrieved by the same, the Second Respondent/De-Facto Complainant is alleged to have lodged a complaint as though the Petitioner herein, who is serving as Tamil Teacher, has misbehaved with her under the guise of special class.

3. It is the contention of the learned Counsel for the Petitioner that no such occurrence had taken place and he also invited the attention of this Court to the statement recorded under Section 164 of Cr.P.C. He would further submit that now the second Respondent is married to another



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person and the matter is ended in compromise. Therefore, the Petitioner seeks compromise.

4.The learned Additional Public Prosecutor vehemently objected to the submission of the learned Counsel for the Petitioner stating that due to the conduct of the Petitioner herein, he had acted against the status of the noble profession of teaching. The learned Additional Public Prosecutor relied on the final report laid before the Court of the Special Judge and would further submit that the case is coming for hearing on 27.09.2022. Therefore, the learned Additional Public Prosecutor seeks to dismiss this Petition as not maintainable.

5.The learned Counsel for the second Respondent/De-Facto Complainant submitted that the second Respondent has been married with another person and she is not interested in prosecuting the case.

6.Considering the vehement objection of the learned Additional Public Prosecutor, this Criminal Original Petition is dismissed. The Petitioner is directed to co-operate with the trial. The learned Sessions



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Judge, Special Court for POCSO Act Cases, Tirunelveli, is directed to dispose of the case within a reasonable time of three months from the date of receipt of copy of this order.

22.09.2022

Internet: Yes/No  
Index: Yes/No  
vsd

To

- 1.The Sessions Judge,  
Special Court for POCSO Act Cases,  
Tirunelveli.
- 2.The Inspector of Police,  
Courtallam Police Station,  
Tenkasi District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**SATHI KUMAR SUKUMARA KURUP, J.**

vsd

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