



Crl.O.P.(MD) No.16951 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.16951 of 2022

and

CrI.M.P(MD) No.11374 and 11375 of 2022

Mariselvan

...Petitioner

vs

**1. The Inspector of Police
Vasudevanallur Police Station
Tirunelveli District**

2. Priya

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the Charge Sheet in Spl.CC.No. 30 of 2021 on the file of the Special Court for POCSO Act Cases,Tirunelveli District and quash the same against this Petitioner

For Petitioner	: Mr.G.Antoprince
For R-1	: Mr.R. Suresh Kumar Government Advocate(Crl.Side)
For R-2	: Mr.M.Meera Myteen



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ORDER

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This Criminal Original Petition has been filed to quash the Charge Sheet in Spl.CC.No.30 of 2021 on the file of the Special Court for POCSO Act Cases, Tirunelveli District.

2. The learned Counsel for the Petitioner would submit that the Petitioner herein is arrayed as A2. The learned Counsel for the Petitioner invited the attention of this Court to the contents of the First Information Report in Crime No.140 of 2020. The overt acts attributed as against this Petitioner herein is that he abused the parents of the Petitioner with the words and threatened them that he will kill them if they proceed to the police to register the case. It is the further submission of the learned Counsel for the Petitioner that the Petitioner is the paternal uncle of the victim. As per the submission of the learned Counsel for the Petitioner, the conduct of the Petitioner herein does not attract the provisions of POCSO Act. Therefore he seeks to quash the proceedings in Spl.CC.No.30 of 2021 on the file of the Special Court for POCSO Act Cases, Tirunelveli District.



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3. The learned Government Advocate(Crl.Side) would submit that trial commenced and it reached the concluding part and only the Investigation Officer is to be examined by the prosecution.

4. Considering the submission of the learned Counsel for the Petitioner and the submission of the learned Government Advocate(Crl.Side) this Court is of the view that it is not a fit case to quash the proceedings in Spl.CC.No.30 of 2021 on the file of the Special Court for POCSO Act Cases,Tirunelveli District as the case had reached the concluding part. This Court does not express any opinion either in favour of the Petitioner or the Prosecution.

5. Hence, the Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions are closed.

14.11.2022

Internet:Yes./No

Index:Yes/no

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To

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



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SATHI KUMAR SUKUMARA KURUP, J.

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