



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2022

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.O.P.(MD).No.22406 of 2022

and

CRL.M.P.(MD)Nos.15830 and 15831 of 2022

Vijaykumar

: Petitioner

Vs.

1.The Deputy Superintendent of Police,
Samayanallur Sub-Division,
Madurai District.

2.The Inspector of Police,
Koodalpudur Police Station,
Madurai District.
Crime No.87 of 2013.

3.S.K.Ponnuthai

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the proceedings in Special S.C.No.2 of 2020 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand

For Respondents : Mr.SS.Madhavan,
Government Advocate (Criminal Side),
for R1 & R2.



ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the entire records pertaining to the proceedings in Special S.C.No.2 of 2020 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Madurai and quash the same as against the petitioner.

2. The learned counsel for the petitioner would submit that the trial Court has framed charges on 14.11.2022, whereunder, sixth charge was framed under Section 13(c) r/w 14(4) of POCSO Act, without any materials on record against the petitioner/A2.

3. Even assuming that the trial Court has framed the particular charge erroneously, it is not a ground for quashing the case.

4. At this juncture, the learned counsel for the petitioner would submit that liberty may be granted to file necessary application before the concerned Court for altering the charge.

5. Recording the said submission, the petitioner is at liberty to file an application under Section 216 Cr.P.C before the concerned Court and on



filing of such application, the trial Court is directed to proceed in accordance with law.

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6. The learned counsel for the petitioner would further submit that the trial Court has already issued summons and the case stands posted for commencement of trial.

7. The Trial Court is directed not to proceed further, till the disposal of the application to be filed under Section 216 Cr.P.C. The petitioner is directed to co-operate for the enquiry in the application to be filed by him and if the petitioner adopts any delaying tactics, the trial Court is directed to proceed with the matter in accordance with law.

8. With the above directions, the Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

16.12.2022

Index : Yes /No
Internet : Yes/No
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CRL.O.P.(MD).No.22406 of 2



K.MURALI SHANKAR, J.

das

To

1. The Special Judge for Exclusive Trial of Cases under POCSO Act, Madurai.
2. The Deputy Superintendent of Police, Samayanallur Sub-Division, Madurai District.
3. The Inspector of Police, Koodalpudur Police Station, Madurai District.
4. The Additional Public Prosecutor, Madurai Bench of Madrash High Court, Madurai.

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and
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