



Crl.O.P.No.3087 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.3087 of 2021
and Crl.M.P.No.1737 of 2021

Ramar

...Petitioner

Vs.

1. State represented by its
The Inspector of Police,
Gangavalli Police Station,
Gangavalli Taluk,
Salem District.

2. Kaviyarasi
(R2 amended as per order
in Crl.O.P.No.3087 of 2021
dated 23.08.2021)

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent to call for the records relating to Spl.S.C.No.3 of 2021 on the file of the Special Court for exclusive trial of cases under POCSO Act, Salem herein, for offence under Sections 5(1), 6 of Production of Child from Sexual offences Act, 2012 & 313, 506(ii) of IPC., and quash the same as devoid of merits and without prima facie case.



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For Petitioner : Mr.R.Sankarasubbu
For Respondents
For R1 : Mr.A.Gopinath
Government Advocate (Crl. Side)
For R2 : Mrs.Kaviyarasi
Pary-in-person

ORDER

This petition has been filed to quash the proceedings in Spl.S.C.No.3 of 2021 on the file of the Special Court for exclusive trial of cases under POCSO Act, Salem, thereby taken cognizance for offences under Sections 5(l) & 6 of Production of Child from Sexual offences Act, 2012 & Sections 313, 506(ii) of IPC., as against the petitioner.

2. The petitioner is arrayed as third accused in this case. The case of the prosecution is that the first accused fell in love with the minor victim girl aged about 15 years while she was studying 10th standard in the Government Higher Secondary School, Gangavalli. On the pretext of marriage the first accused had sexual relationship with minor victim girl on several occasions. Therefore, the minor victim girl got pregnant. When the minor victim girl insisted for marriage, the mother and maternal uncle of the first accused told the victim girl that if she aborted



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the pregnancy then only the first accused will marry the victim. Believing the said words, the victim girl consumed the tablets, which were given by the accused 2 & 3, and aborted her pregnancy. Thereafter, the first accused refused to marry the victim. On receipt of the complaint, the first respondent registered FIR for the offence under Sections 5(l) & 6 of the Production of Child from Sexual offences Act, 2012 & Sections 313, 506(ii) of IPC. After completion of investigation, the first respondent filed final report and the same has been taken cognizance by the trial Court.

3. The learned counsel appearing for the petitioner would submit that now the victim girl married another person and she is living happily. The petitioner never involved in any crime, since he never advised the victim girl to abort her pregnancy. He is nothing to do with the offence as alleged by the prosecution.

4. Considering the above submission, this Court directed the first respondent police to produce the victim girl before this Court. Accordingly, today the victim girl appeared before this Court and deposed that she got married with another person and the petitioner never



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insisted her to consume any tablets to abort her pregnancy. Only on the false instructions, she lodged complaint as such she got pregnant and it was aborted by consuming medicines as instructed by the accused 2 & 3. She never got pregnant and no medicines was suggested by the petitioner to abort her pregnancy.

5. In view of the above statement recorded from the victim girl, the pendency of the proceedings as against the petitioner would not serve any purpose. In order to met the ends of justice, the proceedings in Spl.S.C.No.3 of 2021 on the file of the Special Court for exclusive trial of cases under POCSO Act, Salem, is hereby quashed as against the petitioner alone. The trial Court is directed to proceed with trial as far as the other accused persons are concerned.

6. Accordingly, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

17.11.2023

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
rts



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To
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1. The Special Court for
exclusive trial of cases
under POCSO Act,
Salem.
2. The Inspector of Police,
Gangavalli Police Station,
Gangavalli Taluk,
Salem District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J.

rts

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