



WEB COPY

Crl.O.P.No.22470 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22470 of 2023
and Crl.M.P. No.15666 of 2023

Paramasivam Gurusamy

... Petitioner

-VS-

1.The State Rep by
Sub-Inspector of Police,
Eriyur Police Station,
Dharmapuri District.

2.XXX,
XXX,
Salem - 637 101.

3.XXX,
XXX,
Salem - 637 101.

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings in Spl.SC. No.36/2023 pending on the file of the Fast Track Court, Dharmapuri for offences under Section 363, 366 of IPC and under Section 5(j)(ii) , 5 (I) and 6 (1) of POCSO Act, 2012.

For Petitioner

: Mr.Deepanuday

For R1

: Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

**ORDER**

On the complaint given by the mother of the minor girl, a case was registered by the respondent police against one Yuvarj for offences under Sections 363, 366 of IPC and under Section 5(j)(ii) , 5 (I) and 6 (1) of POCSO Act, 2012.

2. The sum and substance of the report indicates that the minor daughter of the defacto complainant aged about 17 years, pursuing +2 had eloped with the accused and living with him as wife. The mother on 29.11.2022, gave a complaint for girl missing. Later, the girl and the accused were secured and a case has been registered culminating in filing of final report after altering the charges.

3. To quash the case, the petition is filed stating that it was an elopement by the girl who had fallen love with the accused and they got married and living as husband and wife and they are blessed with a female child born on 17.05.2023. The marriage was also solemnized as per the Hindu Customs on 26.03.2023. It is stated that the girl has now attained majority and therefore, being a consensual sex, the case need not be pursued against him, in the light of the Hon'ble Supreme Court judgment.



4. The defacto complainant appeared through Video conference. The victim girl alongwith her child and the accused are present before this Court. Their Birth Certificates perused and they are identified by their respective counsel.

5. Taking note of the fact that persuading the criminal complaint will be grave miscarriage of justice and against the spirit of the Act, not in consonance with the spirit of Act and also taking into consideration of joint compromise memo filed by the accused, victim girl and the mother/ defacto complainant, the Criminal case pending in Spl.S.C. No.36 of 2023 on the file of the Fast Track Court, Dharmapuri is hereby quashed and accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

19.10.2023

Index : Yes/No

Neutral Citation : Yes/No

rkp

To

1.The Fast Track Judge, Dharmapuri

2.The Sub-Inspector of Police,
Eriyur Police Station,
Dharmapuri District.

3.The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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