



Crl.O.P.No.22363 of 2023
& Crl.M.P.Nos.15528 & 15530 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.10.2023

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22363 of 2023
& Crl.M.P.Nos.15528 & 15530 of 2023

1. Sarath Kumar,
2. Santhosh Kumar, ... Petitioners/Accused Nos.1 & 2
/versus/

1. State Rep. by,
The Inspector of Police,
Salavakkam Police Station,
Kancheepuram District.
(Crime No.372 of 2016). ...1st Respondent/Complainant.
2. Ramalingam, ... 2nd Respondent/Defacto complainant
3. xxx,
xxx,
Kancheepuram District. ... 3rd Respondent/Victim Girl (P.W.2).

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C.,
pleased to call for the entire records in Special S.C.No.134 of 2019, on the file for
the Learned Sessions Judge, Mahila Court, Chengalpattu and quash the same.

For Petitioners : Mr.M.Vijaya Ragavan
For R1 : Mr.S.Udaya Kumar, Govt Advocate (Crl.Side).



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ORDER

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This Criminal Original Petition is filed to call for the entire records in Special S.C.No.134 of 2019 on the file of the Learned Sessions Judge, Mahila Court, Chengalpattu.

2. The case of the prosecution is that, the defacto complainant, who is the 2nd respondent herein has lodged a complaint before the 1st respondent police, on 14.10.2016, a case under Section 363 of I.P.C was registered by the Salavakam Police Station, Kancheepuram District, against Sarath Kumar on the complaint given by K.Ramalingam.

3. The gist of the complaint is that the defacto complainant's daughter aged about 17 years gone missing from 14.10.2016 suspecting that the accused Sarath Kumar might have abducted and kidnapped her, complaint was lodged by the defacto complainant. The respondent police took up the investigation, secured the girl and the boy, who were living together as husband and wife. At the time of securing them, the girl was five months pregnant. After getting medical reports



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and recording the statement of witnesses filed final report on 09.11.2018 and the same was taken on file by the Sessions Judge, Mahila Court, Chengalpet, in Spl.S.C.No.134 of 2019. For the past 4 years, the trial is pending. Meanwhile, the victim who was 17 years old at the time of occurrence has become adult and continue to live with the accused as husband and wife and she had begotten three children. The prosecution is against Sarath Kumar and his brother Santhosh Kumar. The fact remains that, the victim girl had attained majority and living with Sarath Kumar and having three children namely 1st child by name Hashini, born on 17.09.2017, 2nd female child by name Kosesara born on 21.03.2020 and 3rd female child by name Sayanthika Sejal born on 23.11.2021.

4. The defacto complainant Ramalingam, his daughter xxxx (victim), accused Sarath Kumar (A1) and Santhosh Kumar (A2) were all present along with the children.

5. Considering the facts and subsequent development happened after registration of the complaint, this Court is of the view that, it is not in the interest of the girl or the children born to the 1st accused and the girl to proceed under the



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POCSO Act. By invoking power under Section 482 of Cr.P.C., and taking note of the fact that, the victim and the boy had married and have three children shows their bond with each other. Hence, the incident which has happened during their adolescence age need not be pursued further to prosecute them.

6. Hence, this ***Criminal Original Petition is allowed.*** Consequently, connected Miscellaneous Petitions are closed.

30.10.2023

Index :Yes/No.
Internet :Yes/No.
Speaking Order/Non-Speaking Order
bsm

Copy to:-

1. The Sessions Judge, Mahila Court, Chengalpattu.
2. The Inspector of Police, Salavakkam Police Station, Kancheepuram District.
3. The Public Prosecutor, High Court, Madras.



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Dr.G.Jayachandran, J.

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