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Crl.O.P.No.2584 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2584 of 2024

and

Crl.M.P.Nos.1876 & 1879 of 2024

Santhosh Kumar
S/o.Kanagaraj

... Petitioner

Vs.

1.State of Tamil Nadu
represented by the
Inspector of Police,
Karamadai Police Station,
Coimbatore.

2.Selvi
W/o.Duraisamy

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for records relating to the complaint in Spl.C.C.No.82 of 2020 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and quash the same.

For Petitioner : Mr.C.P.Prasanth Gopal

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side] [R1]



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ORDER

This petition has been filed challenging the proceedings pending in Spl.C.C.No.82 of 2020 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

2. The petitioner is facing trial before the Court below for offences u/s.3(a) and 4 of the Protection of Child from Sexual Offences Act and Sections 366 and 376(3) IPC.

3. The case of the prosecution is that the petitioner was working as a tractor driver. He is said to have developed a relationship with the victim girl. Thereafter, he had kidnapped the victim girl and had also committed sexual abuse on her. Based on the complaint given by the mother of the victim girl, the First Information Report came to be registered in Crime No.70 of 2020. Initially, a girl missing First Information Report was registered and subsequently, an alteration report was filed and investigation was proceeded with. The final report was filed for offences u/s.3(a) and 4 of the Protection of Child from Sexual



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Offences Act and Sections 366 and 376(3) IPC. The same was taken on file in Spl.C.C.No.82 of 2020.

4. Heard Mr.C.P.Prasanth Gopal, learned counsel for petitioner and Mr.A.Gopinath, learned Government Advocate [Crl.side] appearing for first respondent.

5. The main ground on which this quash petition has been filed is that both the victim girl as well as her mother have categorically stated that the petitioner did not commit any sexual offence against the victim girl. The victim girl has further stated that she had a love affair with the petitioner and she went along with him and that at no point of time, the petitioner ever misbehaved with the victim girl. It is also seen from the evidence available on record that there is no forcible kidnapping of the victim girl and she had voluntarily gone with the petitioner.

6. In the considered view of this Court, there has been substantial progress in the trial and the case is now at the stage of final arguments. Hence, it will not be proper for this Court to exercise its jurisdiction



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u/s.482 Cr.P.C. at such an advanced stage. If there are no materials available against the petitioner, the Court below itself can take that into consideration and pass a judgment. It is not necessary for this Court to exercise its jurisdiction u/s.482 Cr.P.C. and quash the proceedings based on the evidence that has been recorded by the trial Court. This Court cannot perform the job of the trial Court based on the evidence that has been collected and it is the trial Court, which has to appreciate evidence and come to a final conclusion.

In the light of the above discussion, this Criminal Original Petition is disposed of with a direction to the Court below to dispose of Spl.C.C.No.82 of 2020 within a period of four (4) weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

09.02.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

- 1.The Special Court for Exclusive Trial of Cases
under POCSO Act, Coimbatore.
- 2.The Inspector of Police,
Karamadai Police Station,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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