



Crl.O.P.No.6018 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.6018 of 2024
and
Crl.M.P.Nos.4382 & 4383 of 2024

Parvatham
S/o.Rajamani

...Petitioner

Vs

1.The State represented by
The Inspector of Police,
Polur Police Station,
Tiruvannamalai District.

2.Samoomteswari
W/o.Nagappan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the entire records connected with Charge Sheet in Spl.S.C.No.2 of 2022 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai and quash the same.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



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ORDER

This petition has been filed seeking to quash the proceedings in Spl.S.C.No.2 of 2022 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai.

2. The grounds raised by learned counsel for petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. The facts of this case and grounds raised in the quash petition do not fall within the parameters laid down by the Apex Court in ***State of Haryana and others v. Bhajanlal and others [(1992) Suppl (1) SCC 335]***. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. Learned Additional Public Prosecutor submitted that charges have been framed and trial has already been commenced and the case is now at the stage of examination of LW-5 and LW-6.



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4. This is yet another reason as to why this Court is not inclined to quash the proceedings.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in Spl.S.C.No.2 of 2022 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai, as expeditiously as possible.

The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petitions are closed.

12.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm



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N.ANAND VENKATESH, J

gm

To

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

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