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Crl.O.P.No.9586 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9586 of 2022

and

Crl.M.P.Nos.5627 & 5677 of 2022

Sumir

... Petitioner

Vs.

1.State represented by
The Inspector of Police
AWPS, Uthukottai Police Station
Thiruvallur 602026

2.Nethaji

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the entire records connected with Spl.S.C.No.69 of 2021 pending on the file of the Sessions Judge, Mahila Court, Thiruvallur and quash the charge sheet / final report.

For Petitioner : Mr.N.Suriyamuthu

For Respondents : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side) - R1

Mr.Nethaji - Party in Person - R2



Crl.O.P.No.9586 of 2022

WEB COPY

ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in Spl.S.C.No.69 of 2021 pending on the file of the Sessions Judge, Mahila Court, Thiruvallur, in which cognizance was taken for the offence punishable under Sections 363, 366, 376(3) of IPC and Section 4(2) of POCSO Act, 2012.

2. When the matter was taken up for hearing, the petitioner and the second respondent appeared in person along with their respective counsels.

3. The de facto complainant filed an affidavit stating that there was a love affair between his daughter and the petitioner. Now, she is pursuing a BA degree, and after its completion, the petitioner has agreed to marry her. Therefore, he is not inclined to proceed with the matter. The petitioner is also studying at the Sham Industrial Training Centre in Thiruvallur. Considering the welfare of the daughter, it has been agreed that after she completes 18 years of age, she will marry the petitioner.



Crl.O.P.No.9586 of 2022

4. The petitioner appeared in person before this Court and submitted that he agreed to marry the de facto complainant's daughter.

5. Considering the submissions of the petitioner and the affidavit filed by the de facto complainant, this Court is inclined to quash the proceedings in Spl.S.C.No.69 of 2021 pending on the file of the Sessions Judge, Mahila Court, Thiruvallur.

6. Accordingly, this Criminal Original Petition is allowed and the affidavit shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

7. If any default on the side of the petitioner, the case will re-open at the instance of the defacto complainant. Liberty is granted to the defacto complainant to re-open the case.

19.03.2024

Speaking Order/ Non Speaking Order
Index: Yes/ No
rri



Crl.O.P.No.9586 of 2022

T.V.THAMILSELVI, J.

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To,

- 1.The Inspector of Police
AWPS, Uthukottai Police Station
Thiruvallur 602026.
- 2.The Sessions Judge, Mahila Court,
Thiruvallur .
- 3.The Public Prosecutor,
High Court of Madras.

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