



Crl.O.P.No.23162 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23162 of 2022

and

Crl.M.P.No.14809 of 2022

Prabakaran

... Petitioner

Vs.

1. The State Represented by
The Inspector of Police,
Lawspet Police Station,
Puducherry.

2. P.Abi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973 to call for the records of Spl.S.C.No.41 of 2022, pending on the file of the learned Special Judge (under POCSO Act), Puducherry and quash the same.



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For Petitioner : Mr.B.Balavijayan
For Respondents : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)- R1

ORDER

This petition has been filed to quash the proceedings in Spl.S.C.No.41 of 2022, on the file of the learned Special Judge (under POCSO Act), Puducherry.

2. The case of the prosecution is that the petitioner eloped with de-facto complainant viz., Abi and got married as per Hindu Rites and Customs Act. While the de-facto complainant went to hospital for treatment, the complaint was lodged through Child Line as she was minor. Based upon the complaint, a case was registered against the petitioner. The petitioner is the sole accused in Crime No.28 of 2022. According to the prosecution, the de-facto complainant / second respondent viz., Abi, was the minor at the time of the marriage with the petitioner. Therefore, the complaint was lodged.



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3. Heard the learned counsel for the petitioner and the learned Public Prosecutor for the first respondent.

4. Today when the matter is taken up for hearing, the de-facto complainant aged about 22 years appeared before this Court along with her father and stated that, as on date, she is living with her husband happily and the petitioner is also sending amount nearly Rs.35,000/- per month through RTGS as maintenance. The de-facto complainant's father also submitted that her daughter is taken care of by his son-in-law, i.e., petitioner. The petitioner also appeared through video-conferencing as he is now working in abroad.

5. In view of the submissions made by the de-facto complainant that there is no need to make the petitioner to face the trial, since the petitioner and the de-facto complainant are living happily.



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6. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.41 of 2022 on the file of the learned Special Judge (under POCSO Act), Puducherry is quashed. Consequently, connected miscellaneous petition is closed.

11.03.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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To

1. The Inspector of Police,
Lawspet Police Station,
Puducherry.
2. The learned Special Judge
(under POCSO Act),
Puducherry
3. The Public Prosecutor,
High Court,
Madras.



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T.V.THAMILSELVI, J

vji

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Crl.M.P.No.14809 of 2022**

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