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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.25312 of 2024 and
Crl.M.P.No.14209 of 2024

M.Manikandan

... Petitioner

Vs.

1. The State Represented by
The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore District.
Cr.No.291/2023

2. T.Thilakavathi

...Respondents

Prayer: Criminal Original Petition filed under Section 528 BNSS, to call for the records culminating Spl.S.C.No.200 of 2024, pending on the file of the Special Court for the Exclusive Trial of Cases under under POCSO Act, Coimbatore, and quash the same.

For Petitioner : Mr.P.Dineshkumar

For Respondents : Mr.S.Sugendran,
Additional Public Prosecutor for R1
Mr.Ali Hassankhan for R2



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ORDER

The petitioner is an accused in Spl.S.C.No.200 of 2024 for the offence under Section 5(l), 5(j)(ii) and 6 of Protection of Children from Sexual Offences Act, 2012 (in short “POCSO Act”), Section 9 of Prohibition of Child Marriage Act, 2006, and Section 366 and 344 of IPC. The present petition has been filed to quash the proceedings in the above case, pending on the file of the Special Court for Exclusive trial of Cases under POCSO Act, Coimbatore.

2 According to learned counsel for the petitioner, the charge sheet does not disclose and attracts any ingredients with regard to the charged offence levelled against the petitioner. The victim girl had now given birth to a child and the petitioner and the victim are now living together. Therefore considering the above facts, the proceedings in Spl.S.C.No.200 of 2024 is liable to be quashed.

3 Learned Additional Public Prosecutor for the first respondent police would submit that it is the case under the POCSO Act and trial



commenced and L.W.1 to 5 were summoned. Therefore the present petition seeking to quash the proceedings in the special case is liable to be dismissed.

4 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent police and perused the materials available on record.

5 It is seen that based on the complaint given by the second respondent, case in Cr.No.291 of 2023 has been registered for the offence under Section 5(l), 5(j)(ii) and 6 of POCSO Act, Section 9 of Prohibition of Child Marriage Act, 2006, and Section 366 and 344 of IPC, against the petitioner. After investigation, the first respondent police laid charge sheet, which was taken on file in Spl.S.C.No.200 of 2024.

6 Further, now charges framed and trial also commenced and L.W.1 to 5 were summoned. The offence under the POCSO Act is grave in nature, which is the offence against State. A careful reading of the statements recorded from the witnesses and also the statement of the victim, reveal that there is *prima facie* materials to proceed the case further. The grounds taken by the



petitioner to quash the case is only a matter for trial. Further, the subsequent developments as contended by the learned counsel for the petitioner in the case under the POCSO Act, will not take away the offence committed by the petitioner. Therefore this Court is not inclined to quash the proceedings in the above said special case.

7 Accordingly, this criminal original petition stands dismissed. However, the petitioner is at liberty to take all his defence before the trial Court. Consequently connected MP is closed.

10.12.2024

Speaking Order/Non Speaking Order
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To

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



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P.VELMURUGAN, J.,

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