



Crl.O.P.No.1547 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1547 of 2024

And

Crl.M.P.No.1086 of 2024

Narasimharao

... Petitioner

Vs.

1.The State,
Represented by Inspector of Police,
Kaanai Police Station,
Villupuram.

2.Dhanaselvi

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records and quash the criminal proceedings as against the petitioner in Spl.S.C.No.50 of 2021 on the file of Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Villupuram.

For Petitioner : Ms.J.Suganthi
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)

O R D E R

This petition has been filed to quash the proceedings pending in



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Spl.S.C.No.50 of 2021 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram.

2. When the matter came up for hearing on 31.01.2024, this Court passed the following order:

"Mr.A.Damodaran, learned Additional Public Prosecutor takes notice on behalf of the 1st respondent.

2. This is a case where the petitioner during his adolescence (19 years) seems to have followed / pestered the 2nd respondent and had expressed his love. The 2nd respondent, who was hardly 14 years at the time of incident was put to mental agony and she even attempted to commit suicide. Based on the complaint given by the victim girl, the FIR was registered and final report has been filed against the petitioner.

3. Considering the facts and circumstances of the case and also considering the fact that the petitioner suffered pretrial arrest for 35 days and also considering the age of the petitioner as well as the victim girl, this



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Court is inclined to pass final orders in this Criminal Original Petition.

4. In view of the above, there shall be a direction to the petitioner to file an affidavit as instructed by this Court and the 1st respondent shall be present before this Court along with the victim girl and her parents.

5. Post this case under the caption "for recording compromise" on 16.02.2024, at 2.15 p.m."

3. When the matter was taken up for hearing today, an affidavit of undertaking has been filed by the petitioner. The relevant portions are extracted hereunder:

"4. I respectfully submit that the above said incident could have been avoided by me. However due to my immature thinking I behaved with the 2nd respondent on 18.02.2020 at my age of 19. Thereafter, only I realized my mistake and the position of the 2nd respondent and her pains. Therefore, I hereby sincerely apologize my above said behavior to the 2nd Respondent. It is further submitted that the above said happens totally shook my family and myself, and I have not involved in



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any activities in prior point of time to anyone.

5. I respectfully submit that in order to lead a disciplined life and the present criminal case having affected myself and my family's entire life, I preferred the Quash Petition before this Hon'ble Court, thereby seeking relief to pardon my mistake and consider the relief under reformatory nature by this Hon'ble Court. Thereafter, this Hon'ble Court mercifully considered and directed to file affidavit and will consider the same in the presence of the 2nd Respondent. Hence, I hereby once again seek unconditional apology that hereafter I will not involve in any indulged activity with the 2nd respondent and others and I seriously regret and apologize the same to the 2nd Respondent and this Hon'ble Court."

4.The victim girl was present before this Court and she stated that the incident had taken place and thereafter, the petitioner has never troubled the victim girl and she requested this Court to close this criminal case.

5.Taking into consideration the facts and circumstances of the case and also the affidavit of undertaking filed by the petitioner and on



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carefully considering the statement given by the victim girl and also taking into account the age of the petitioner, the continuation of the criminal proceedings will only affect the interest of the petitioner who is a young boy. The petitioner was hardly 19 years at the time of incident and he was not fully mature. Therefore, an opportunity must be given to the petitioner to change himself and to progress in life.

6.In view of the above, the proceedings in Spl.S.C.No.50 of 2021 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Villupuram, is hereby quashed.

7.This criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

16.02.2024

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

N.ANAND VENKATESH,J.

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To

- 1.The Sessions Judge,
Special Court for Exclusive Trial of cases under POCSO Act,
Villupuram.
- 2.The Inspector of Police,
Kaanai Police Station,
Villupuram.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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