



Crl.O.P(MD).No.3317 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM :

THE HON'BLE MR JUSTICE D. BHARATHA CHAKKARAVARTHY

Crl.O.P(MD).No.3317 of 2023

Prabu

... Petitioner

Vs.

1.State through its
Inspector of Police,
Keelavalavu Police Station,
Spl.S.C.No.183/2021
Madurai District.

2.N.Kali

3.xxx

... Respondents

PRAYER:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records to the impugned proceedings the charge sheet in Spl.S.C.No.183/2021 on the file of the Principal Special Court for Exculsive Trial POCSO Act, Madurai and quash the same.

For Petitioner : Ms. R.Vennila

For 1st respondent : Mr.A.Albert James
Government Advocate (Crl. Side)

for 2nd respondent : Mr.B.Poovarasn



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ORDER

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This Criminal Original Petition has been filed to call for the records and quash the charge sheet in Spl.S.C.No.183/2021 on the file of the Principal Special Court for Exculsive Trial POCSO Act, Madurai.

2. The petitioner viz., Prabhu and the respondents 2 and 3 viz., N.Kali and Nandhini are present before this court today.

3. The prayer is made by the learned counsel for the petitioner to quash the case on compromise between the parties. The case was registered for the offences under sections 366, 344 IPC and Sections 4(2), 5(1) and 6 of POCSO Act. The case of the learned counsel for the petitioner is that the victim was born on 17/7/2002 and therefore, at the time of occurrence itself she was aged about 16 years and it is a case of the love affair between the parties and the victim has now turned as adult. The parties have also married and they have got one female child born on 05.02.2024 and they are living together. The petitioner is working as a daily wage labourer and they are residing together.

4. In a case of serious nature of offences involving POCSO Act,



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the court will not go merely on the basis of compromise, this court has to take into consideration the overall facts and circumstances of the case.

Apart from the fact that the defecto complainant is giving consent to close the case and is not willing to pursue the matter, this Court also considers the merits of the case as disclosed in the charge sheet. It can be seen that the matter has to be considered slightly differently when it comes to enticement with reference to the children aged 16 to 18 years pursuant to love affair. In such cases, the Court can also take into account the fact that without any enticement whatsoever, with due conviction the victim left the parents and went along with the accused. I had specifically gone through the statement of the victim which is made along with the charge sheet. Therefore, considering the same, even though the classification of the offence would fall under a serious category, the fact remains that this is a relationship turned out into a marriage and the parties are living together .

5. Accordingly, upon enquiry with the parties present before this Court and upon going through the entire final report filed in the instant case, I am of the view that the petitioner / accused and the victim who are now living as a family along with their child, this is a fit case where the



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Court can exercise its inherent power under Section 482 of the Code of Criminal Procedure and quash the same.

6. Accordingly, this Criminal Original Petition stands allowed the case in Spl.S.C.No.183/2021 on the file of the Principal Special Court for Exclusive Trial of POCSO Act, Madurai is hereby quashed.

22.08.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

1. The Principal Special Court for Exclusive Trial of POCSO Act,
Madurai

2. Inspector of Police,
Keelavalavu Police Station,
Spl.S.C.No.183/2021
Madurai District.

3. The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.



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D. BHARATHA CHAKKARAVARTHY, J.,

Trp

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