



CRL OP(MD). No.4624 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.09.2024

CORAM

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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and
CrI.M.P.(MD)No.4043 of 2023

1. Ayankumar
 2. Ayyanu
 3. Murukaththal @ Murukathal
 4. Annathai @ Annalakshmi
 5. Pandaram
 6. Velthai @ Velduraichi
 7. Muthulakshmi
 8. Mahesh
 9. Seyathu Abdul Kathar @ Syed Abdul Kader,
 10. Kalvath Bivee @ Kavath Beevi
 11. Sikkanthar Abbash @ Sikkanthar
 12. Alima
- ... Petitioners

Vs.

1. The Inspector of Police
Puliangudi Police Station,
Tenkasi District.
(In Crime No.352/2022).



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2. Muthathal

Village Welfare Officer,
Vasudevanallur
Panchayat Union,
Tenkasi District.

3. Xxxxx

D/o. Xxx, Xxxx, Xxxx.

... Respondents

PRAYER :- This Petition is filed under Section 482 Cr.P.C, to call for the records pertaining to the impugned FIR in Crime No.352 of 2022 dated 17.08.2022 on the file of the first respondent and to quash the same as illegal.

For Petitioners : Mr.S.Sabbani Karbura Jothi

For Respondents : Mrs.M.Aasha
Government Advocate (Crl.Side) for R1

: Mr.A.Arputharaj for R2

ORDER

This Petition is filed to quash the F.I.R in Crime No.352 of 2022 pending on the file of the first respondent.

2. The learned counsel for the petitioners seeks to quash the cases on compromise.



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3. A joint compromise memo is filed and the parties are also present before this Court. The defacto complainant submits that she does not want to press the case and says that the further proceedings can be dropped. It is stated by the learned counsel for the parties that the defacto complainant and the petitioner has since married, they also got a female child, which was born on 02.01.2023

4. This is a case under the POCSO Act. For the offences, which are serious in nature, the Court cannot go as per the version of the defacto complainant alone. By virtue of the judgment of the Honourable Supreme Court of India in ***Gian Singh vs State of Punjab & Another*** reported in **2012(10) SCC-303**, the court has to see the overall facts and circumstances of the case before exercising the power under Section 482 of the Code of Criminal Procedure.

5. I have gone through the materials on record. On a perusal of the materials on record, the case is solely based on the statement of the victim child. Therefore, when the victim child wants to drop all further



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proceedings, there is nil chances of securing a conviction. Even going through these statement of the victim child and the statement of the other persons, the gravamen of the allegations point out that development of an affair and performing of marriage, albeir before the statutory age of 18 years. The date of birth of the victim child is 05.10.2004 and at the time of occurrence, she was 17 years of age.

6. Considering the overall facts and circumstances of the case, treating this as an extraordinary case, I am of the view that this is a fit case for exercise of powers under Section 482 of the Code of Criminal Procedure.

7. When the matter came up for hearing, the learned Government Advocate (Criminal Side) would point out that now the charge sheet has been filed and the same is taken on file as Special C.C.170 of 2023 on the file of the Special Court for Trial of POCSO Act Cases, Tirunelveli.

8. In view thereof, this Criminal Original Petition shall stand allowed and the case in Special C.C.170 of 2023 on the file of the



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Special Court for Trial of POCSO Act Cases, Tirunelveli, in connection with in Crime No.352 of 2022, shall stand quashed. The joint compromise memo shall form part and parcel of the order. Consequently, connected Miscellaneous Petition is closed.

06.09.2024

Internet : Yes
Index : Yes/ No
NCC : Yes/No
LS

TO

1. The Special Court for Trial of POCSO Act Cases,
Tirunelveli.
2. The Inspector of Police
Puliangudi Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY,J

LS

ORDER
IN
CRL OP(MD) .4624 of 2023

Date : 06.09.2024