



CRL OP(MD). No.4818 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

CRL OP(MD). No.4818 of 2023

and

CrI.M.P.(MD)No.4230 of 2023

Chellamuthu

... Petitioner

Vs.

1. The State rep. by

The Inspector of Police

Dindigul Town South Police Station,

Dindigul District.

(In Crime No.487/2021).

2. Vellaiyammal

... Respondents

PRAYER :- This Petition is filed under Section 482 Cr.P.C, to call for the records pursuant to the proceedings in Spl.S.C.No.87 of 2021 on the file of the Fast Track Mahila Court, Dindigul and quash the same.

For Petitioner : Mr.P.Manikandan

For Respondents : Mrs.M.Aasha

Government Advocate (CrI.Side) for R1

: Mr.G.Sailendrababu for R2



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ORDER

This Petition is filed to quash the proceedings in Spl.S.C.No.87 of 2021 on the file of the Fast Track Mahila Court, Dindigul.

2. The learned counsel for the petitioner seeks to quash the case on compromise.

3. The defacto complainant filed an affidavit 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 have since married.

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



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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 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, albeit before the statutory age of 18 years. The date of birth of the victim child is 10.06.2002 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.



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7. In view thereof, this Criminal Original Petition shall stand allowed and the proceedings in Spl.S.C.No.87 of 2021 on the file of the Fast Track Mahila Court, Dindigul, shall stand quashed. **The affidavit filed by the defacto complainant 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 Fast Track Mahila Court,
Dindigul.
2. The Inspector of Police
Dindigul Town Police Station,
Dindigul 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) .4818 of 2023**

Date : 06.09.2024