



Crl.O.P.(MD)No.8347 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.8347 of 2023

and

Crl.M.P.(MD)Nos.7271 and 7274 of 2023

Manikandan

... Petitioner/Sole Accused

VS.

1.State Through
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
Crime No.268 of 2019

... 1st Respondent/Complainant

2.Mayandi

... 2nd Respondent/Complainant

3.Kavitha

... 3rd Respondent/Victim girl/
Wife of the petitioner

Prayer:- Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet in Special C.C.No.47 of 2020 on the file of the learned Special Court for the exclusive trial of POCSO Act Cases, Tirunelveli for the offences under Sections 366A and 376 of IPC and Section 5(1) and 6 of the Protection of child from Sexual Offences Act, 2012 and quash the same.



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For Petitioner : Mr.K.Suyambulinga Bharathi

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor for R1

ORDER

The Criminal Original Petition is filed to quash the charge sheet in Special C.C.No.47 of 2020 on the file of the learned Special Court for the exclusive trial of POCSO Act Cases, Tirunelveli for the offences under Sections 366A and 376 of IPC and Section 5(1) and 6 of the Protection of child from Sexual Offences Act, 2012

2.The learned counsel for the petitioner seeks quashment of the case on compromise. A joint compromise memo is also filed. The prosecutrix is present before this Court and submits that she is now 24 years of age and both the petitioner and the prosecutrix have since married and they are living as a family and they have also got one child by name Mathankumar, born on 13.11.2021.



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3.This is an offence under the POCSO Act. In this kind of cases, the Court cannot go by the version of the prosecutrix alone, but as to consider the overall gravamen of the offences before deciding to quash the case as per the victim of the Hon'ble Supreme Court of India in ***Gian Singh vs. State of Punjab & Another*** reported in **2012 (10) SCC 303**.

4.I have gone through the statement of the victim which was made. It can be seen that it is a case where there is a relationship between the petitioner and the victim child at the age of 17 itself, resulting in a marriage, albeit before the statutory age of 18. Only considering the said facts and considering the fact that they are all living as a family and they have also got a child, this is one of the extraordinary case, in which the Court can quash the case on compromise. It can also be seen that the defacto complainant will no longer support the version of the prosecution and the chance prosecution getting a conviction in this case is zero percent.



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5.For all the above reasons, I am of the view that the Criminal Original Petition deserves to be allowed and is allowed and the case in Special C.C.No.47 of 2020 on the file of the learned Special Court for the exclusive trial of POCSO Act Cases, Tirunelveli, shall stand quashed. The memorandum of compromise shall form part of the order. Consequently, connected miscellaneous petitions are closed.

18.10.2024

NCC : Yes / No
sji

To

- 1.The Special Court for the exclusive trial of POCSO Act Cases,
Tirunelveli.
- 2.The Inspector of Police,
Manur Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

sjj

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