



Crl.O.P.(MD)No.7182 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.7182 of 2023

Ramachandran

... Petitioner/Sole Accused

vs.

1.The State Rep. by
The Inspector of Police,
AWPS, Nilakottai,
Dindigul District.
Crime No.14 of 2022

...1st Respondent/Complainant

2.Bhavani

... 2nd Respondent/Complainant

Prayer:- Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet in Spl.S.C.No.87 of 2022 for an alleged offence under Sections 5(j)(ii), 6, 5(n) of POCSO Act on the file of the Fast Track Mahila Court, Dindigul and quash the same as illegal against the petitioner.

For Petitioner : Mr.M.Maran

For Respondents : Mr.A.Albert James
Government Advocate (Crl. side) for R1

Mr.P.Samikannu for R2



Crl.O.P.(MD)No.7182 of 2023

WEB COPY

ORDER

The petition is filed to quash the charge sheet in Spl.S.C.No.87 of 2022 for the alleged offence punishable under Sections 9, 5(j)(ii), 6 and 5(n) of POCSO Act on the file of the Fast Track Mahila Court, Dindigul.

2.The parties are present before the Court.

3.The learned counsel for the petitioner seeks quashment of the proceedings on account of the compromise entered into between the parties.

4.The offence is under the Child Marriage Restraint Act, 1929 as well as under the Protection of Child from Sexual Offences Act, 2012 and as such are serious. In serious offences, this Court cannot go by the version of the defacto complainant alone that she is consenting to quash the case and that she does not want to pursue the case. The Court has look into the overall facts and circumstances of this case. In this case, the date of birth of the victim is 05.03.2005. When the occurrence happened in the year 2021, she was 16 years old. She has also married the petitioner.



Crl.O.P.(MD)No.7182 of 2023

Subsequently, they gave birth to two children and their first child was born on 18.05.2022 and the second child was born on 10.06.2024. They are living as a family. The petitioner is an agricultural labourer, climbing coconut trees and running the family. They are residing in their native village, namely, Ward No.3, Suriyankulam, Ayyampalayam, Dindigul District. This Court had also gone through the statements of witnesses recorded in the charge sheet.

5.On an overall reading of the various statements of the witness and the materials produced on behalf of the prosecution, it can be seen that this was a case of voluntary decision though taken by the child at the age of 16 years. It is a case of marriage and living together as a family, albeit in a bit too early, in violation of the law. Thus, on a wholesome consideration, and appraisal of the statement of witnesses and the material produced before the prosecution, I see this as a case of the accused and the defacto complainant getting married and starting to live as a family. In view of the overall facts and circumstances of the case, though the offences are charged under the provisions, which may entail serious punishment, the allegations are with reference to marriage and the procreation of children before the attainment of the statutory age.



Crl.O.P.(MD)No.7182 of 2023

WEB COPY

6.In view thereof, considering the same as an extraordinary case where the accused is living along with the defacto complainant as a family and having two tender children, I am inclined to quash the proceedings by invoking the extraordinary powers under Section 482 of the Code of Criminal Procedure.

7.Accordingly, the Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.87 of 2022 on the file of the Fast Track Mahila Court, Dindigul, shall stand quashed.

22.08.2024

NCC : No
sji

To

- 1.The Fast Track Mahila Court, Dindigul.
- 2.The Inspector of Police,
AWPS, Nilakottai,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD)No.7182 of 2023

D.BHARATHA CHAKRAVARTHY, J.

sjj

Crl.O.P.(MD)No.7182 of 2023

22.08.2024