



Crl.O.P.(MD)No.7923 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**Crl.O.P.(MD)No.7923 of 2023
and
Crl.MP(MD)No.6919 & 6920 of 2023**

Vinoth

... Petitioner/Sole Accused

VS.

1. The State rep by
The Inspector of Police,
All Women Police Station,
Thiruppathur, Sivagangai District.
(Crime No.9 of 2021)

... 1st Respondent/Complainant

2.Mathiyazhagu

...2nd Respondent/Defacto
Complainant

Prayer:- Petition filed under Section 482 of Code of Cr.P.C., to call for the records pertaining to the charge sheet in Spl.S.C.No.2 of 2022 on the file of the Special Court for Exclusive Trial Cases under POCSO Act, 2012, Sivagangai and quash the same as illegal as against the petitioner.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.A.Albert James
Government Advocate (Crl.Side) for R1
Mr.S.T.Sasidharan Tamilkani for R2



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ORDER

This petition is filed to quash the impugned charge sheet in Spl.S.C.No.2 of 2022 on the file of the Special Court for Exclusive Trial Cases under POCSO Act, 2012, Sivagangai.

2. The defacto complainant and the petitioner are present before this Court. It is submitted that both of them are married and are living together and the defacto complainant submits that she is not willing to press the charges.

3. The case was registered under the POCSO Act, which is serious in nature. Therefore, this court will not go as per the version of the defacto complainant alone. This court has to take into consideration the entire allegations made in the final report filed by the police. Firstly, this court takes notice of the fact that the case entirely stands on the statement of the victim child alone. She is not willing to press the case and therefore, there is a nil chance of the prosecution securing a conviction. Secondly, even otherwise, upon appraisal of the contents of the statement made by the victim child as well as the other witnesses, it can be seen that at the age of 17, this is a case of getting into an affair and getting married, albeit



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before the statutory age. Considering the overall facts and circumstances of the case, treating this as an extraordinary case, this court, in exercise of its inherent powers under Section 482 of Cr.P.C., is inclined to quash the proceedings as against the petitioner.

5. Accordingly, the proceedings in Spl.S.C.No.2 of 2022 on the file of the Special Court for Exclusive Trial Cases under POCSO Act, 2012, Sivagangai, is quashed and this petition is allowed. Consequently, the connected miscellaneous petitions are closed.

05.09.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
dss

To

- 1.The Spl.S.C.No.2 of 2022 on the file of the Special Court for Exclusive Trial Cases under POCSO Act, 2012, Sivagangai
2. The Inspector of Police,
All Women Police Station,
Thiruppathur, Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

dss

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