



CRL.O.P (MD) No.9395 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.9395 of 2024

Rajasekar

... Petitioner

Vs

1. State rep. by
The Inspector of Police,
All Women Police Station
Kovilpatti, Thoothukudi District.
(Crime No.20/2021)

2. Muthumari

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the charge sheet in Spl.SC.No. 24 of 2022 on the file of the Mahila Court, Thoothukudi and quash the same as illegal.

For Petitioners : Mr.M.Prabu

For R-1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)



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ORDER

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The petitioner has filed this petition, seeking to quash the proceedings in Spl.SC.No.24 of 2022 on the file of the Mahila Court, Thoothukudi.

2. The case of the prosecution is that the petitioner and victim were in love affair. On 01.03.2021 at about 11.30 p.m., the petitioner had forcible sexual intercourse with the victim girl. Hence, the case has been registered against the petitioner.

3. The learned counsel for the petitioner submits that defacto complainant and the accused have amicably resolved their issue. Further, he submits that the petitioner married the victim girl and they are living together and they are also having a child.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent submits that 22 witnesses were examined and the Investigation Officer alone is yet to be examined.



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5. This Court considered the rival submissions made

6. Though petitioner is living with the victim girl and they are also having a child, this Court is not inclined to entertain this application on the ground of compromise.

7. Considering the stage of trial that 22 witnesses were already examined and only the Investigation Officer is yet to be examined, this Criminal Original Petition is dismissed with a direction to the trial Court to consider the case of the petitioner sympathetically and also consider the fact that the petitioner is living with the victim girl and take a decision according to the evidence which is available before the Court. The Investigation Officer shall appear before the trial Court on the next date of hearing.

02.07.2024

NCC : Yes/No
Internet: Yes/No
Index: Yes/No
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B.PUGALENDHI, J.

jbr

To

1. The Inspector of Police,
All Women Police Station
Kovilpatti, Thoothukudi District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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