



CrI.O.P.(MD)No.12922 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CrI.O.P.(MD)No.12922 of 2023

Nandhagopal

... Petitioner/Sole Accused

vs.

1.State Represented by
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District
(Crime No.211 of 2019)

... 1st Respondent/Complainant

2.Jeyalakshmi

... 2nd Respondent/Defacto -
Complainant

3.XXXX,
XXXXXXX,
XXXXXXX,
Tirunelveli District

... 3rd Respondent/Victim

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Spl.C.C.No.70 of 2020 on the file of the Special Court for POCSO Act Cases, Tirunelveli and quash the same against the petitioner.

For Petitioner : Mr.R.Pon Karthikeyan



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For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl. Side)

For R2 & R3 : Mr.A.Mohan

ORDER

The Criminal Original Petition has been filed to quash the proceeding in Spl.C.C.No.70 of 2020 on the file of the Special Court for POCSO Act Cases, Tirunelveli.

2. The learned counsel for the petitioner seeks quashment of the case on compromise.

3. A joint compromise memo has been filed. The defacto complainant is present before this Court, and submits that she does not want to press the case and that all further proceedings may be dropped.

4. This is a case arising out of the Protection of Children from Sexual Offences Act (POCSO Act), and the offences are serious in nature. When the offences are serious in nature, the Court will not go as per the version of the defacto complainant alone. On the contrary, the Court has to



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see the gravamen of the allegations and then only, can come to a conclusion.

5. On perusal of the charge sheet filed by the 1st respondent and the statement of witnesses, it can be seen that the case stands only on the sole statement of the victim child. On perusal of the statement given by the victim child, it can be seen that the gravamen of the allegations relates to getting into an affair and a marriage prematurely when the defacto complainant was studying 12th standard.

6. In view thereof, even though the offence of the complaint falls under serious category, the gravamen of the allegations points out towards the starting of a marriage life before the statutory age, and considering the fact that the defacto complainant does not want to press the allegations, and the fact that in any event, there is zero chance of the prosecution securing a conviction, and considering the facts and circumstances of the case that the petitioner and the defacto complainant are living as a family, and the fact that the defacto complainant is now expecting a child, treating this case as an extraordinary case, I am inclined to quash the proceeding.



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7. Accordingly, the Criminal Original Petition stands allowed. The proceedings, in Spl.C.C.No.70 of 2020 on the file of the Special Court for POCSO Cases, Tirunelveli, shall stand quashed.

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NCC : Yes / No
mkn

To

- 1.The learned Judge,
Special Court for POCSO Act Cases, Tirunelveli
- 2.The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



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D.BHARATHA CHAKRAVARTHY, J.

mkn

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