



Crl.O.P.(MD)No.14035 of 2023

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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.14035 of 2023

Mariselvam

... Petitioner/Sole Accused

vs.

1.The State Rep. by
The Inspector of Police,
All Women Police Station,
Pudukottai,
Thoothukudi District.
Crime No.12 of 2020

... Respondent/Complainant

2.XXXXXXXXXX

... Respondent/Defacto Complainant

Prayer:- Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the Special S.C.No.53 of 2021 on the file of the Sessions Judge/Mahalir Court, Tuticorin and quash the same as illegal as against the petitioner.

For Petitioner : Mr.KA.Ramakrishnan

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

Mr.Kali for R2



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ORDER

The petition is filed to quash the charge sheet in Special S.C.No. 53 of 2021 for the alleged offence punishable under Sections 5(l), 5(j)(ii) and 6 of the Protection of Child from Sexual Offences Act, 2012 on the file of the Sessions Judge/Mahalir Court, Tuticorin.

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.

3.The offence is under the POCSO Act and as such, is 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 24.12.2004. When the occurrence happened in the year 2020, she was 16 years old. She has also married the petitioner on 05.02.2023 and they are living as a family. The petitioner is a driver. They are residing in their



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native village, namely, Eppothumvendran, Eppothumvendran (Post), Tuticorin (District). This Court had also gone through the statements of witnesses recorded in the charge sheet.

4.On an overall reading of the various statements the of 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, an 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 prematurity. 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 early marriage.

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



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6. Accordingly, the Criminal Original Petition is allowed and the proceedings in Special S.C.No.53 of 2021 on the file of the Sessions Judge/Mahalir Court, Tuticorin, shall stand quashed.

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NCC : No
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To

1. The Sessions Judge/Mahalir Court, Tuticorin.
2. The Inspector of Police,
All Women Police Station,
Pudukottai,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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