



Crl.O.P.(MD)No.14572 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.14572 of 2023

Sivasakthi

... Petitioner/Sole Accused

vs.

1.The State Rep. by
The Inspector of Police,
Kallimandayam Police Station,
Dindigul District.

... 1st Respondent/Complainant

2.xxxxxxx,
D/o.xxxxxxxx,
xxxxxxxxxxx,
xxxxxxxxxxx.

... Respondent/Defacto Complainant

Prayer:- Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to (*)**Sp1.S.C.No.139 of 2023** on the file of the Fast Track Mahila Court, Dindigul, and quash the same.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor for R1
Mr.T.Lenin Kumar for R2

ORDER

The Criminal Original Petition is filed to quash the proceedings in

(*)**Sp1.S.C.No.139 of 2023** on the file of the Fast Track Mahila Court, Dindigul.

<https://www.mhc.tn.gov.in/judis>



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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. This Court will not go as per the version of the defacto complainant alone. This court has to see the overall facts and circumstances of the case. Apart from the fact that, the defacto complainant is no more interested in pressing the case and that she will not support the case of the prosecution and that there is absolutely no likelihood of the case being prosecuted and ending up in conviction as against the petitioner, this Court takes into consideration the final report filed in this matter and also the nature of averments and statements of the witnesses in this case.

4. The case relates to the parties having a love affair and getting married, albeit before the statutory age of 18 years. Even though the case is registered under the POCSO Act, considering the nature of the allegations which are made in the case, which relate to the marriage between the petitioner and also considering the fact that there being a voluntary relationship and that the age of the defacto complainant and that the marriage itself has subsequently been registered between the parties, 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



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against the petitioner.

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5. Accordingly, the proceedings in (*)**Sp1.S.C.No.139 of 2023** on the file of the learned Fast Track Mahila Court, Dindigul, is quashed and this petition is allowed.

(*)Amended as per the order of this court dated 10.09.2024 made in CRL OP(MD). 14572 of 2023.

Sd/-

Assistant Registrar(CO)

// True Copy //

/09/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

dss

To

1.The Judge, Fast Track Mahila Court,
Dindigul,.

2. The Inspector of Police,
Kallimandayam Police Station,
Dindigul District.

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-47442[F] dated 30/08/2024)



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