



Crl.O.P.(MD)No.21480 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.21480 of 2023

and

Crl.M.P.(MD)Nos.16816 of 2023 & 1581 of 2024

Thothathiri Perumal

... Petitioner/Sole Accused

VS.

1.State Represented by
The Inspector of Police,
All Women Police Station,
Nanguneri, Tirunelveli District
(Crime No.7 of 2021)

... 1st Respondent/Complainant

2.Petchiyammal

... 2nd Respondent/Defacto -
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in Spl.C.C.No.119 of 2023 on the file of the learned IV Sessions Judge, Mahila Court, Tirunelveli and quash the same as against the petitioner/sole accused herein.

For Petitioner : Mr.D.Saravanan

For R1 : Mr.A.Albert James
Government Advocate (Criminal Side)

For R2 : Mr.M.Naveenth



Crl.O.P.(MD)No.21480 of 2023

ORDER

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The Criminal Original Petition has been filed to quash the proceeding in Spl.C.C.No.119 of 2023 on the file of the learned IV Sessions Judge, Mahila Court, Tirunelveli.

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

3. The victim child is present before this Court, and she wants to quash the proceeding and does not want to press the allegations.

4. The case of the learned counsel for the petitioner is that it is case of a relationship and a marriage. The petitioner and the victim are living together, and they are also blessed with two children. The petitioner is having avocation as a driver, and both of them are living as a family.

5. Be that as it may, in a case of serious nature under the Protection of Children from Sexual Offences Act (POCSO Act), this Court cannot go by the version of the prosecutrix/victim alone. The Court has to consider the overall facts and circumstances of the case.



Crl.O.P.(MD)No.21480 of 2023

WEB COPY

6. Considering the fact that this case stands on the sole statement of the victim child alone, and considering the nature of the statement given by her at the relevant point of time, this Court is of the opinion that the gravamen of the allegations that the parties getting married by their respective parents before the statutory age, and considering the fact that there is also zero chance of prosecution securing a conviction, and also considering the overall facts and circumstances of the case, I am of the view that this case can be treated as an extraordinary one, and the proceeding can be quashed by exercising the inherent power of this Court under Section 482 of the Code of Criminal Procedure.

7. Accordingly, the Criminal Original Petition stands allowed. The proceeding, in Spl.C.C.No.119 of 2023 on the file of the learned IV Sessions Judge, Mahila Court, Tirunelveli, shall stand quashed. The connected Criminal Miscellaneous Petitions are closed.

30.08.2024

NCC : Yes / No
mkn



Crl.O.P.(MD)No.21480 of 2023

WEB COPY

To

- 1.The learned IV Sessions Judge,
Mahila Court, Tirunelveli
- 2.The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



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Crl.O.P.(MD)No.21480 of 2023

D.BHARATHA CHAKRAVARTHY, J.

mkn

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