



CRL OP(MD). No.17224 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23.08.2024

CORAM

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17224 of 2023

and

Crl.M.P.(MD)Nos.13666 & 13667 of 2023

Ranjith

... Petitioner

Vs.

1.The State rep. By

The Inspector of Police,
All Women Police Station,
Tenkasi, Tenkasi District.

2.Ayyappan

... Respondents

PRAYER :- This Petition is filed under Section 482 Cr.P.C, to call for the records pertaining to the case in Spl.C.C.No.135 of 2022 on the file of the Special Court for POCSO Cases, Tirunelveli and to quash the same as illegal as against the petitioner alone.

For Petitioner : Mr.Indrachithu

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

: Mr.K.Malaimaran for R2 & R3



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ORDER

The Criminal Original Petition is filed to quash the case in Spl.C.C.No.135 of 2022 on the file of the Special Court for POCSO Cases, Tirunelveli.

2. The learned counsel for the petitioners seeks to quash the case on compromise. The case is filed for the offence under Sections 448, 376 I.P.C r/w. Sections 6, 5(l)5 (J)(ii) of Protection of Child from Sexual Offence Act, 2012. The petitioner, namely, Ranjit and the victim, namely, Anupriya are present before this Court. Upon enquiry, the victim submits that her date of birth is 17.08.2004 and she subsequently married the petitioner and they are living as a family and a male child by name called the Madhavakrishna is also born to them. The marriage is also registered with the Office of the Sub Registrar, Senkottai and the certificate dated 10.01.2024 is also produced. She does not want to proceed with the case further and consents that the case be quashed.



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3. This is an offence is under the POCSO Act and as such, serious in nature. In an offence of this kind, the Court cannot go as per the version of the victim alone. As per the dictum of the of the Hon'ble Supreme Court of India in ***Gian Singh vs State of Punjab & Another*** reported in ***2012(10) SCC303*** and followed in the later judgments, the Court has to see the overall facts and circumstances of the case and then only exercise its power under Section 482 of the Code of Criminal Procedure. The power has to be used sparingly and if the offences are serious in nature, even the defacto complainant consents, cases cannot be quashed.

4. With the said view in mind, this Court went through the final report filed in the case. On a perusal of the evidence on record and the statement given by the victim child, at that point of time itself, it can be clear that this is a case where the parties have gone ahead with the relationship before the victim girl could turn to 18. Therefore, considering the overall facts and circumstances of the case and the extraordinary nature of the case, I am inclined to quash the proceedings.



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5. In view thereof, this Criminal Original Petition is allowed and the case in Spl.C.C.No.135 of 2022 on the file of the Special Court for POCSO Cases, Tirunelveli, stands quashed. Consequently, connected Miscellaneous Petitions are closed.

23.08.2024

Internet : Yes
Index : Yes/ No
NCC : Yes/No
LS

TO

1. The Special Court for POCSO Cases,
Tirunelveli
2. The Inspector of Police,
All Women Police Station,
Tenkasi, Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY,J

LS

ORDER
IN
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