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CRL OP No. 19292 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP No. 19292 of 2025

and

CRL MP No.13213 of 2025

1. R.Akkim

S/o.Rahamathulla,

Residing at No.33, Pattukottai

Kalayanasundaram Street,

Vendipalayam, Erode District

Petitioner(s)

Vs

1. State rep by the Inspector of Police

AWPS, Erode.

2.Mahalakshmi

Name changed as MUMTAJ after
marriage,

W/o.Akkim, D/o.Prakash,

Residing at No.33, Pattukottai

Kalyanasundaram Street,

Vendipalayam,

Erode District

Respondent(s)



PRAYER

This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of the case in Spl.S.C.No.26 of 2021 on the file of the Sessions Judge, Fast Track Mahila Court, Erode and quash the same against the petitioner/1st Accused.

For Petitioner M/s.E.V.Chandru @
E.Chandrasekaran

For R1 Mr.S.Vinoth Kumar
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to call for the records of the case in Spl.S.C.No.26 of 2021 on the file of the Sessions Judge, Fast Track Mahila Court, Erode and quash the same against the petitioner/1st Accused.

2. Learned counsel for the petitioner submitted that petitioner has been arrayed as A1 in Spl.S.C.No.26 of 2021 on the file of the Sessions Judge, Fast Track Mahila Court, Erode. During trial, the petitioner married the victim girl and they are living together as husband and wife under one roof. Hence, the petitioner prayed for quashing the case.



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3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent-Police and perused the material available on record.

4. Based on the complaint made by the de-facto complainant, who is the second respondent herein, the first respondent-Police registered a case against the petitioner in Crime No.24 of 2018 for the offence under Section 5(1) read with Section 6 of POCSO Act and after completion of investigation, the same was taken on file in Spl.S.C.No.26 of 2021 on the file of the Sessions Judge, Fast Track Mahila Court, Erode. Trial has also been commenced and pending trial, the petitioner married the victim girl. When the victim/de-facto complainant was a child under the definition of POCSO Act, the petitioner had penetrative sexual assault with the minor child. In view of the fact that the petitioner/accused married the victim girl, the offence made by him will not take away. Further, the grounds taken by the petitioner are not the grounds to quash the case. Hence, this Court is not inclined to grant the relief as sought for by the petitioner in this petition. However, the petitioner is at liberty to



workout his remedy before the trial court in the pending case in Spl.S.C.No.26
of 2021.

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5. In view of the same, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

14-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. The Sessions Judge, Fast Track
Mahila Court, Erode

2.The Inspector of Police
AWPS, Erode.

3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J.

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