



Crl.O.P.No.3591 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3591 of 2025

and

Crl.M.P.No.2352 of 2025

Sarathkumar

.....

Petitioner

Vs

1.State Rep By
The Inspector of Police
W-15, All Women Police Station,
Royapuram,
Chennai-600 013
Cr.No.01/2020

2.Rajalakshmi(Deceased)

.....

Respondents

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2025, to call for the records in Spl.S.C.No.169 of 2023 pending on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Chennai and quash the same

For Petitioner : Ms.Shaikh Mehrunisa

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



Crl.O.P.No.3591 of 2025

ORDER

WEB COPY

This Criminal Original Petition has been filed seeking to quash the entire proceedings in Spl.S.C.No.169 of 2023 pending on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Chennai.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent. Perused the materials available on record.

3. Based on the complaint lodged by the victim, the first respondent registered an FIR in Crime No.1 of 2020 for the offences under Sections 324(D), 354(A), 506(ii) of IPC and Sections 9, 10 & 11 of the Prohibition of Child Marriage Act, 2006 and Sections 6 & 8 of the POCSO Act, 2012. It is alleged that the victim was aged about 14 years on the date of alleged occurrence in the month of January 2017. While she was going to school, the first accused expressed his love to the victim and he also compelled her to love him back. Though the victim had no love for him, he threatened her, that if she does not love him, he will pour acid on her face. However, later she fell in love with him and got married, when she was aged about 17 years on 07.04.2019 in



the Angalamman Temple. On compulsion, on 09.04.2019, he had sexual

intercourse with her and also compelled her to do as seen in the blue film.

4. On receipt of the said complaint, the first respondent registered an FIR in Crime No.1 of 2019. After completion of investigation, a final report was filed and the same has been taken cognizance by the Trial Court in Spl.S.C.No.169 of 2023. While filing the final report, the first respondent added the petitioner as second accused, alleging that, on 15.08.2019, when the victim informed about the illegalities committed by the first accused to the petitioner, he also sexually abused her.

5. A perusal of the statement recorded under Section 164 of Cr.P.C from the victim, reveals that there is no whisper about the involvement of the petitioner as alleged in the charge sheet. The victim did not make any allegation or express any intention implicating the petitioner in the complaint. That apart, no one has spoken about any overt act committed by the petitioner so as to warrant his implement as the second accused. The first respondent has failed to substantiate the charges against the petitioner and failed to produce any material in the final report to attract any of the offences alleged against him. That apart, the victim died and no one is there to pursue the case of the



CrI.O.P.No.3591 of 2025

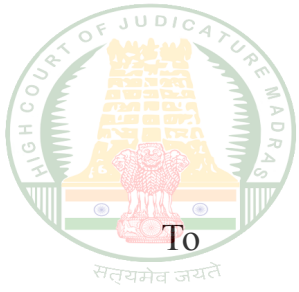
prosecution. There are specific allegations as against the first accused and there are materials to attract the offences Sections 324(D), 354(A), 506(ii) of IPC and Sections 9, 10 & 11 of Prohibition of Child Marriage Act, 2006 and Sections 6 & 8 of POCSO Act, 2012. However, no offence is made out by the petitioner and there is no material available to substantiate the allegations against the petitioner.

6. In view of the above, the entire proceedings in Spl.S.C.No.169 of 2023 pending on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Chennai, cannot be sustained and is liable to be quashed as against the petitioner alone. However, the Trial Court is directed to proceed with the trial as against the first accused in accordance with law and complete the same within a period of six months from the date of receipt of a copy of this order.

7. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

12.02.2025

Lpp
Index: Yes/No
Internet: Yes/No



Crl.O.P.No.3591 of 2025

To

1.The Special Court for Exclusive Trial of cases under POCSO Act, Chennai

2.The Inspector of Police
W-15, All Women Police Station,
Royapuram,
Chennai-600 013

3.The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



CrI.O.P.No.3591 of 2025

G.K.ILANTHIRAIYAN, J.

Lpp

CRL.O.P.No.3591 of 2025

12.02.2025