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Crl.O.P.No.18622 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.18622 of 2025

Joshua

.. Petitioner

Versus

1.State
Rep.by Inspector of Police
W-7, AWPS-Anna Nagar
Chennai.

2.K.Saratha

3.XXXXXXXX

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Spl.S.C.No.334/2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, quash the proceedings pending against the petitioner.

For Petitioner
For Respondents

: Mr.E.Vetrivel
: Dr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition is filed to call for the records in Spl.S.C.No.334/2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, and quash the proceedings pending against the petitioner.

2. Today, the victim in the case as well as the accused are present before this Court. The learned counsel seeks to quash the case on promise between the parties.

3. It can be seen that the case is one under the Protection of Children from Sexual Offences Act, 2012, as such in cases of this nature, the Court cannot go by the prosecutrix's request alone. As per the dictum of the Hon'ble Supreme Court of India in ***Gian Singh Vs. State of Punjab***¹, the Court has to see the overall facts and circumstances of the case and to decide whether the case is suitable for quashing the proceedings.

¹ (2012) 10 SCC 303

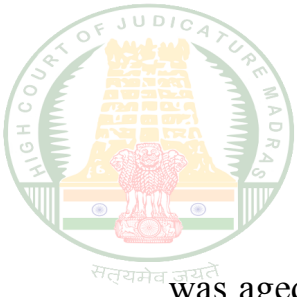


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4. Firstly, the statement of the victim, originally given under Section 164 of Cr.P.C., before the Investigating Authority has to be taken into account. In the said statement the victim states that she had voluntarily gone ahead and had the relationship with the accused. The case was registered under the Protection of Children from Sexual Offences Act, 2012. Further, as per the Aadhar Card, that is produced before this Court, it can be seen that the date of birth of the victim was 12.08.2006, whereas the incident is said to have happened in the year 2023. Therefore, it can be seen that the victim was about to complete the age of 18 years, at the time of incident. Even the date of registration of First Information Report being on 20.09.2024 and the alleged physical relationship was contended to be after the completion of 18 years of the victim.

5. In view thereof, the chances of the prosecution securing a conviction is also very very bleak in this case. Now, both the parties have submitted that after completion of the studies of the victim, they are going to get married and lead a married life. Thus from the averments that are made at the earliest point of time, there is no enticement or force as per the statement of the victim and the victim



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was aged more than 17 years for sure, as on the date of alleged relationship and considering the overall facts and circumstances of the case, I am of the view that the allegations in this case are such that the case, can be quashed on compromise.

6. In view of the above, this Criminal Original Petition stands allowed and the case in Spl.S.C.No.334/2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, stands quashed.

26.06.2025

Neutral Citation : yes/no
Jer

To

1. The Special Judge,
Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.
- 2.The Inspector of Police
W-7, AWPS-Anna Nagar
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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