



Crl.O.P.(MD)No.1250 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.1250 of 2024

and

Crl.M.P.(MD).Nos.866 and 867 of 2024

Mariselvam

... Petitioner

Vs.

1.The Inspector of Police,
Villur Police Station,
Madurai District.
Crime No.29/2023.

2.Balamurugan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for records pertaining to the proceedings in Spl.S.C.No.146 of 2023 on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai and quash the proceedings as against the petitioner herein.

For Petitioner

: Mr.P.Saravanakumar

For R1

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

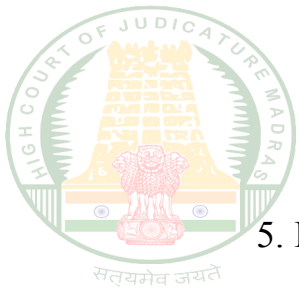
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This petition has been filed seeking quash the proceedings in Spl.S.C.No. 146 of 2023 on the file of the learned Sessions Judge, Mahila Court, Madurai, for the offences punishable under Sections 5(l) and 6 of POCSO Cases, 2012, as against the petitioner herein.

2. The primary ground raised by the petitioner is that the petitioner and the victim girl had a love affair; that the petitioner had sexual intercourse with the victim girl, when she was a minor and thus, committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the victim girl, after attaining majority, married the petitioner; that thereafter, turned hostile; and that the defacto complainant has also turned hostile.

4. The learned Additional Public Prosecutor, on instructions, would submit that it is a fact that the victim girl and the defacto complainant have turned hostile; that the petitioner has married the victim girl; and that the case is now posted for questioning under Section 313 of Cr.P.C.



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5. In the light of the aforesaid submission, this Court, though not inclined to quash the proceedings at this stage. However this Court is inclined to observe that the learned Sessions Judge, while passing judgment, shall take into consideration of the fact that the victim and the defacto complainant have turned hostile, the victim girl has married the petitioner and they are living together.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

16.09.2025

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

Indu

To

1.The Inspector of Police,
Villur Police Station,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

3/5



Madurai.

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SUNDER MOHAN, J.

Indu

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