



CRL MP(MD) NO. 14217 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02-01-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP(MD) NO. 14217 of 2024

IN

CRL OP(MD) NO. 22716 OF 2024

Mariappan
S/o. Chellaiah Thevar, 13-A,
Pillaiyar Kovil Street, C.N. Village,
Tirunelveli District and 2 others

Petitioner(s)

Vs

The State of Tamil Nadu
Rep. by The Inspector of Police,
All Women Police Station,
Melapalayam Police Station,
Tirunelveli City and another

Respondent(s)

For Petitioner(s):
Mr.K.K.Maheshraja, Advocate

For Respondent(s):
Mr.A.Thiruvadi Kumar
Additional Public Prosecutor for R1

ORDER

Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor takes notice for
the first respondent.



CRL MP(MD) NO. 14217 of 2024

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2. Notice to the second respondent returnable by 10.02.2025. Private notice is also permitted.

3. The petitioners / A2 to A4, who are facing trial for offences under Sections 109 and 506(i) of the I.P.C., have filed the quash application.

4. The case projected against the petitioners is that A1, who is the son of the petitioners 1 and 2 / A2 and A3, had kidnapped the victim girl, committed penetrative sexual assault on the victim girl and he is charged for the offences under Sections 366 and 506(i) of the I.P.C. and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012. A1 is not before this Court.

5. The contention of the learned counsel for the petitioners is that the petitioners, who are the parents and family members of A1, have been falsely implicated in this case. The victim girl and A1 were in love with each other and had a close, friendly relationship. As a continuation of their relationship, they also had some physical contact. The allegations against the petitioners are that, on 15.08.2023, A1 kidnapped the victim girl on his two-wheeler and thereafter, committed penetrative sexual assault and later, dropped her in her house. On 16.08.2023, the petitioners are alleged to have contacted the victim girl's father and pressured him to arrange a marriage between A1 and the victim girl. In the 161 Cr.P.C. statement, recorded by the police on 17.08.2023, it is alleged that the petitioners had abetted and



CRL MP(MD) NO. 14217 of 2024

threatened the victim girl's parents, insisting that they would arrange a marriage between A1 and the victim girl. However, in the 164 Cr.P.C. statement, recorded on 15.09.2023, there is no mention about the abetment or threats.

6. The learned Additional Public Prosecutor submitted that the primary allegations are against A1. The petitioners, who are arrayed as A2 to A4 (A1's parents and family members), are accused of abetment and criminal intimidation. He conceded that the 164 Cr.P.C. statement did not include any mention of abetment or threats. However, he pointed out that the victim girl had referred to such abetment and threats in her 161 Cr.P.C. statement and therefore strongly opposed the petition.

7. Finding force in the above said submissions, there shall be an order of interim stay of all further proceedings in Spl.C.C.No.28 of 2024, on the file of the Special Court of POCSO Act Cases, Tirunelveli, in respect of the petitioners alone.

sd/-
02/01/2025

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/ 01 /2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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CRL MP(MD) NO. 14217 of 2024

TO

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1 THE JUDGE
SPECIAL COURT OF POCSO ACT CASES,
TIRUNELVELI

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELAPALAYAM POLICE STATION,
TIRUNELVELI CITY.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

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IN

CRL OP(MD) NO. 22716 OF 2024

Date :02/01/2025

PSP/ GSV /SAR /06.01.2025/ 4P/ 4C

Madurai Bench of Madras High Court is issuing certified
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