

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.10282 of 2015

Selvakumar

... Petitioner

vs.

1.State, rep by
The Inspector of Police
Arcot Town Police
Vellore District
(Crime No.322 of 2013)

2.G.Murthy

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Cr.No.322 of 2013 pending on the file of the Inspector of Police, Vellore Town Police Station, Vellore and quash the same as illegal.

For Petitioner : Mr.D.Balaji
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor for R1.

O R D E R

This petition has been filed to call for the records in Cr.No.322 of 2013 pending on the file of the Inspector of Police, Vellore Town Police Station, Vellore and quash the same as illegal.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On a complaint lodged by one Murthy that, his daughter Bharathi was kidnapped by one Selvakumar, the respondent police registered a case in Cr.No.322 of 2013 for an offence under Section 366(A) IPC on 28.03.2013 and took up investigation. On the same day, it appears that Bharathi was secured. Selvakumar was arrested by the police and later he was released on bail on 15.03.2013. Now Selvakumar has come up with this petition to quash the FIR in Cr.No.322 of 2013 on the ground that, the entire matter has been settled between the parties.

4. During the course of hearing, Bharathi the victim appeared before this Court and she was identified by the Police Officer representing the first respondent, who was present in the Court. Bharathi produced her School Transfer Certificate which shows that, she was born on 24.05.1995 and now she is 20 years. In paragraph 3 of her affidavit, Bharathi has stated as follows:

"My marriage is fixed in the month of 7th day of June of 2015 and I am born on 25.5.1995 now I am aged 20 years and I am a Major. I submit that if the case is pending on the file of respondent police, my marriage life is very much affected. Hence I undertake to I have not continue in the above case and closed the FIR against the accused person, now the matter is compromise with my father the defacto complainant and the accused. Hence it is just and necessary to accept the affidavit and drop the further proceedings against the accused person."

5. This Court enquired Bharathi to find out whether she has been forced to arrive at the settlement or it was on her own volition. Bharathi told the Court that the petitioner is distantly related to her and now if the prosecution continues, it will harm her future marital life and hence, she has come forward on her own without being influenced by anyone. This Court is satisfied that the parties have arrived at a bona fide compromise and therefore, no prejudice would be caused to anyone if the FIR in Cr.No.322 of 2013 is quashed. Accordingly, the FIR in Cr.No.322 of 2013 on the file of the Inspector of Police, Vellore Town Police Station, Vellore is quashed.

6. The learned Additional Public Prosecutor has strongly objected contending that the girl was a minor at the time when the complaint was lodged and that the petitioner was arrested by the police. It is true that the petitioner was arrested by the police on lawful exercise of the power to arrest conferred on the police by the Code of Criminal Procedure. In a complaint of this nature, it is essential for the police to arrest the accused for the purpose of securing the victim girl. Therefore, by quashing the FIR, it does not mean that the arrest of the petitioner was illegal. The FIR has been quashed on the sold ground that Bharathi's matrimonial life will be in peril.

In the result, this petition is allowed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gms

To

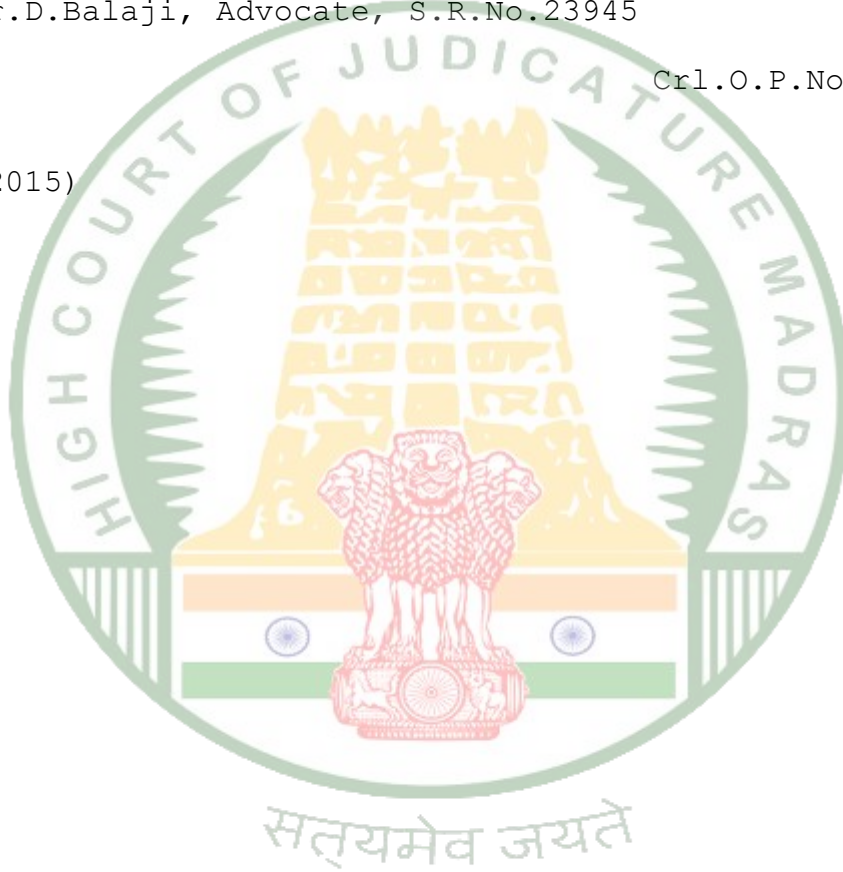
1.The Inspector of Police,
Arcot Town Police,
Vellore District

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Balaji, Advocate, S.R.No.23945

Cr1.O.P.No.10282 of 2015

CNR(CO)
CA(13/05/2015)



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