

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.8711 of 2011
and
M.P.No.1 of 2011

A.Ramesh

...Petitioner

Vs

1.State rep by its
Inspector of Police
E-4, Abiramapuram Police Station
Chennai 18.

2.K.Sekar

...Respondents

Prayer:- Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records in S.C.No.87 of 2010 pending
on the file of the Mahila Court at Chennai and quash the same.

For Petitioner : Mr.M.A.Muthalakan
For R1 : Mr.C.Emalias,
Addl.Public Prosecutor
For R2 : Mr.K.Aswin

ORDER

This petition has been filed to call for the records
in S.C.No.87 of 2010 pending on the file of the Mahila Court
at Chennai and quash the same.

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

3. On a complaint lodged by Sekar that his daughter
Saranya aged about 16 years was kidnapped by the

petitioner/accused, the respondent police registered a case in Cr.No.630 of 2008 and after completing the investigation, Final Report has been filed against the accused herein for offences under Sections 366 and 376 IPC and now the case is pending in S.C.No.87 of 2010 before the Mahila Court, Chennai for trial.

4. Learned Additional Public Prosecutor submits that three witnesses have been examined including the victim girl Saranya, who turned hostile. It is seen that the petitioner and Saranya got married on 31.03.2011 and they have one child through the wedlock.

5. Today Mr.K.Sekar, the defacto complainant and father of Saranya, Saranya and the accused are present. Mr.V.Thulasidoss, Sub Inspector of Police, E4 Abiramapuram Police Station is also present and he identified the defacto complainant and Saranya. Sekar has filed an affidavit, wherein it is stated as follows in paragraphs 5 and 6:

"3. I submit that subsequent to the alleged offences it is came to know that my daughter only insisted the accused A.Ramesh to get marry her and threatened him that we are arranging marriage for her with another person so if the accused don't take her she will commit suicide. On her threatening, he has taken my daughter to a safety custody and there is no kidnapping and rape committed by the accused but being a father of the girl under over enthusiastic, I have given such a complaint, as if my daughter was kidnapped and committed the offences. Now it is came to know that, that is not a true.

4. I submit that now both my daughter and the said Ramesh got married on 31.03.2011 and living as a husband and wife with blessing of both the family including myself. Due to which, now they have blessed with a female child namely R.Kalaiarasi age about 1 year.

5. I submit that the said Ramesh who is now my son-in-law a hard worker and sincere man and he is more concern about my daughter and I am very happy to see my

daughter and son-in-law and their happy married life. I have no coercion and compulsion to give this affidavit but wholeheartedly I placing before this Hon'ble Court to permit to withdraw the complaint and pass suitable order."

6. This Court enquired with Saranya and she stated that she is married to Ramesh and they are happily settled.

In view of the aforesaid happenings, this Court is of the view that it will serve the interest of justice if the proceedings in S.C.No.87 of 2010 on the file of the Mahila Court, Chennai is quashed and accordingly, this petition is allowed and the proceedings are quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gms

To

1. The Judge,
Mahila Court at Chennai.

2. Inspector of Police
E-4, Abiramapuram Police Station
Chennai 18.

3. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.M.A.Muthalakan, Advocate SR.No. 56914

Cr1.OP No.8711 of 2011

VD (CO)
PSI (02.11.2015)