

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.14121 of 2016
and
Cr1.MP No.7193 of 2016

Thiyagarajan ... Petitioner/Accused

Vs

1.The Union Territory of Puducherry,
represented by
The Inspector of Police,
Orleanpet Police Station,
Puducherry.
Cr.No.140 of 2015. ...1st Respondent/De jure
Complainant

2.Renuga @ Dhivya ... 2nd Respondent/De facto
Complainant

Prayer:- Criminal Original Petition filed under Section 482 of
the Code of Criminal Procedure to call for the records
relating to the impugned Charge Sheet/Final Report No.121 of
2015 dated 14.09.2015 on the file of the 1st respondent,
pending on the file of the learned Chief Judicial Magistrate,
Puducherry, in Special SC No.21 of 2015 and to quash the same.

For Petitioner : Mr.A.Prakash Adiapadam

For Respondent : Mr.M.R.Thangavel,
No.1 Additional Public Prosecutor(Pondy)

WEB COPY
ORDER

This criminal original petition has been filed to call
for the records relating to the impugned Charge Sheet/Final
Report No.121 of 2015 dated 14.09.2015 on the file of the 1st
respondent and Special SC No.21 of 2015, pending on the file
of the learned Chief Judicial Magistrate, Puducherry, and to
quash the same.

2. For the sake of convenience, the parties are referred
to by their name.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor (Pondy) appearing for the first respondent.

4. On the complaint lodged by one Renuga @ Dhivya, the respondent police registered a case in Crime No.140 of 2015 and after completing the investigation has filed the final report, which is now pending as Special S.C.No.21 of 2015 before the Special Court for POCSO cases (Principal District Sessions Judge), Puducherry, for the offences under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and 312 IPC, challenging which, the petitioner is before this Court for quashing the prosecution on the ground that the parties have arrived at a compromise, pursuant to which, Thiagarajan has married Renuga.

5. On notice, the learned Additional Public Prosecutor (Pondy) appeared for the first respondent and strongly objected to quash the prosecution by contending that the same should not be quashed as the offences are grave in nature.

6. This Court gave its anxious consideration to the rival submissions. After registration of the FIR, the statement of Renuga, the victim girl, was recorded under Section 164 Cr.P.C, wherein, she has very clearly stated that she was in love with Thiagarajan and that, they have had consensual sexual relationship. However, she further stated that she conceived and she had the foetus aborted.

7. Admittedly, Renuga was a minor, less than 18 years, when this happened and therefore, Thiagarajan cannot be absolved from criminal liability just because of the consensual sexual relationship. However, this Court cannot also ignore the fact that, subsequently, Thiagarajan and Renuga have got married and they are now leading a happy married life.

8. Today, Renuga and Thiagarajan are present and they have filed a Joint memo, wherein, it is stated as follows;

" Meanwhile the 1st party married the 2nd party herein on 24.01.2016 at "K.Kamaraj Thirumana Mandapam, Ariyankuppam, Puducherry as per Hindu rites and custom, in presence of elder members of both family. Subsequently, the said marriage was also registered before the office of the Sub-registered, Puducherry on 02.03.2016. And right from the date of marriage they have been living together as noble couple to the society and leading conjugal life at the No.36, Mariamman Koil Street, Velrampet, Puducherry. Out of conjugal life the 2nd respondent once

again has become a pregnant and she is going to give birth to child very soon. Since the pendency of the criminal case causing huge mental agony/pain/distress on us day by day. We would like to settle the issue amicably. Hence, the Second Party herein mutually agreed to withdraw the case against first party herein. Hence, petitioners and second respondent most humble prayed that this Hon'ble High Court may be please to pass suitable orders and thus render justice. "

9. D.Sendhilkumar, Inspector of Police, Orleanpet Police Station, Puducherry, is present and identified the parties.

10. The learned Additional Public Prosecutor (Pondy), on instructions, submitted that Thiagarajan and Renuga have no doubt got married and they are living together.

In view of these developments, this Court is of the view that it will serve the interest of justice, if the prosecution is quashed and accordingly, the criminal original petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sms

To

1.The Chief Judicial Magistrate,
Puducherry.

2.The Inspector of Police,
Union Territory of Puducherry,
Orleanpet Police Station,
Puducherry.

3.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.A.Prakash Adiapadam, Advocate, S.R.No.39107

Cr1.OP.No.14121 of 2016

and

Cr1.MP No.7193 of 2016

LRS (CO)

CA(01/08/2016)

<https://hcservices.ecourts.gov.in/hcservices>