

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.18561 of 2016 & Crl.M.P. No.8718 of 2016

1 R. Mohanakrishnan
2 K. Rajendran
3 R. Giriya
4 R. Sharmila .. Petitioners/1st,2nd,3rd and
4th Accused.

vs.

1 The State represented by
the Inspector of Police
W-17 All Women Police Station
Peravallur
Chennai 600 082

2 R. Vaishnavi .. Respondents/Respondents

Criminal Original Petition filed under Section 482, Cr.P.C.
seeking to call for the records pertaining to P.R.C. No.21 of
2016 in Crime No.1 of 2015 on the file of the V Metropolitan
Magistrate Court, Allikulam and quash the same.

For petitioners Mr. A. Abdul Rahman
for M/s. Nathan and Associates

For R1 Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking to call for
the records pertaining to P.R.C. No.21 of 2016 in Crime No.1 of
2015 on the file of the V Metropolitan Magistrate Court,
Allikulam and quash the same.

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

3 On the complaint lodged by Vaishnavi, the first
respondent police registered a case in Crime No.1 of 2015 and

after completing the investigation, has filed a final report in P.R.C. No.21 of 2016 before the V Metropolitan Magistrate, Allikulam, Egmore, Chennai against Mohanakrishnan and 6 others for offences under Section 376, 417 and 506(I) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, challenging which R. Mohanakrishnan (A1), K. Rajendran (A2), R. Girija (A3) and R. Sharmila (A4) are before this Court.

4 It is the case of Vaishnavi that while she was undergoing Mechanical Engineering course in Gojan Engineering College in Redhills, she fell in love with Mohanakrishnan (A1), who promised to marry her and is said to have had copulation with her and thereafter, had reneged. Hence, she was forced to file a private complaint before the XV Metropolitan Magistrate, George Town, Chennai, who referred the case to the first respondent police under Section 156(3), Cr.P.C., pursuant to which, FIR came to be registered and after completing the investigation, the first respondent police has filed a final report, as aforesaid.

5 The learned counsel for the petitioners/accused submitted that the parties have arrived at a compromise and that Mohanakrishnan has married Vaishnavi on 03.03.2016 and the same has also been registered in the office of the Sub-Registrar, Royapuram.

6 Today, Mohanakrishnan and other accused and so also, Vaishnavi, the de facto complainant are present and they are identified by Mrs. G. Sasikala, WHC, W-17 All Women Police Station, Peravallur, who is also present before this Court.

7 Vaishnavi has filed an affidavit, wherein, at paragraphs 2 to 5, it has been stated as under:

"2. I submit that based upon my complaint preferred dated 19.02.2014, FIR has been registered by the first respondent police for an alleged offence under Sections 294-B, 406, 420, 376, 498-A, 383, 506 (I) IPC read with Sections 3 & 4 of the Tamil Nadu Harassment of Women Act, 1998, on 14.04.2015 in Crime No.1 of 2015 which was transferred from Crime No.282 of 2014 in H1, Washermanpet Police Station in which my husband was portrayed as the 1st accused and subsequent to which P.R.C. No.21 of 2016 was filed and the same is pending before the V Metropolitan Magistrate Court, Allikulam, Chennai.

3. I submit that due to the pressure by my parents, the said complaint was preferred against the 1st petitioner herein and it is more pertinent to

mention that we were planning for a marriage and the same was opposed by my parents for the reasons well known to them. In such situation, they insisted me to prefer the said complaint dated 19.02.2014, before the H1, Washermanpet Police Station and the same is registered as Crime No.284 of 2014 and the same is also transferred to the 1st respondent police and renumbered as Crime No.1 of 2015.

4. I submit that after the said complaint, both the elders in our family had spoken with each other and we got married on 03.03.2016 at the Arulmigu Angala Parameswari and Kasi Viswanatha Swamy Temple and was duly registered in the Hindu Marriage Register kept by the Hindu Marriage Registrar Office, Royapuram on 07.04.2016 and presently leading a happy married life.

5. I submit that the proof for marriage has already been placed in the typed set of documents and hence, taking into account the present situation this Hon'ble Court shall be pleased to quash the offences against my husband, the 1st petitioner and the other petitioners accepting this affidavit and the affidavit filed by the 1st petitioner."

8 This Court individually questioned Vaishnavi as to whether she has been forced to enter into compromise, for which, she stated that she had, on her volition and free will, had married Mohanakrishnan, with whom, she was in love and therefore, she has no objection in the proceedings being quashed.

9 However, Mr. C. Emalias, learned Additional Public Prosecutor strongly objected to the quashment of prosecution on the ground that the offences are very serious in nature.

10 Though the offences are serious in nature, yet, given the facts and circumstances of the case and the compromise arrived at amongst the parties and especially the fact that Vaishnavi is a Woman Champion of our State in the National Level Swimming Competition and that her future should not be ruined, the prosecution against all the accused in P.R.C. No.21 of 2016, including those who have not approached this Court, is quashed.

Resultantly, this Criminal Original Petition is allowed.
Connected Crl.M.P. is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Inspector of Police
W17 All Women Police Station
Peravallur, Chennai 600 082

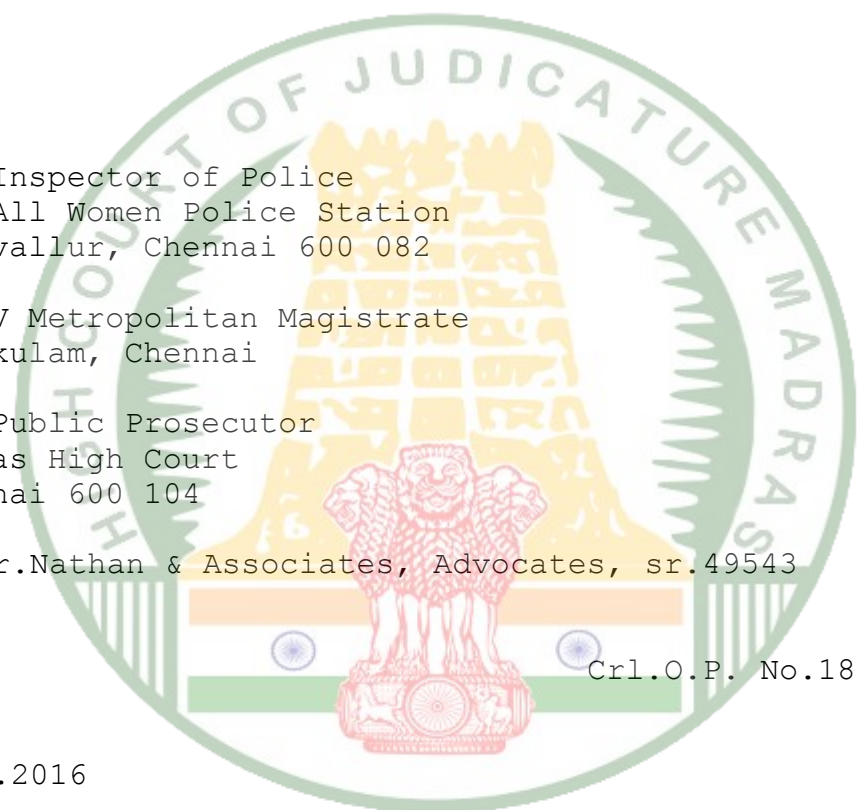
2 The V Metropolitan Magistrate
Allikulam, Chennai

3 The Public Prosecutor
Madras High Court
Chennai 600 104

1 cc to Mr.Nathan & Associates, Advocates, sr.49543

Crl.O.P. No.18561 of 2016

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