

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2016

CORAM:

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

Cr1.O.P.No.19297 of 2016

1. Selvam
 2. Kannan
 3. ChinnaPonnu
 4. Venkatesan
- Petitioners

Vs.,

1. The Inspector of Police,
All Women Police Station,
Katpadi, Vellore District
 2. The Inspector of Police,
Katpadi Police Station
Katpadi, Vellore District.
 3. Gnanasoundari
- Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records and quash the FIR No.1440/2013 dated 15.09.2013 on the file of the Respondents.

For Petitioners : Mr.P.Ganapathy
for Mr. R.Margabandu

For Respondents 1&2: Mr.C.Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner praying to call for the records and quash the FIR No.1440/2013 dated 15.09.2013 on the file of the Respondents.

2. Heard Mr.P.Ganapathy, the learned counsel appearing for the petitioners and of Mr.C.Emalias, learned Additional Public Prosecutor appearing for the Respondents 1 and 2.

3. On the complaint given by one Ms.Gnanasoundari, the respondent police have registered a case in Crime No.1440 of 2013 on 15.09.2013 under Sections 417 and 506 IPC against one

Mr.Selvam, challenging which the petitioners are before this Court, for quashing the FIR.

4. Learned counsel for the petitioners submitted that the complaint is barred by limitation and therefore, it cannot be quashed.

5. On a reading of the complaint it is seen that it is alleged by the defacto complainant that Selvam (A1) promised to marry her and on the strength of the promise, he had sexual relationship with her from 2010 onwards. Ultimately, on 15.09.2013, arrangements were being made for Selvam's marriage and on coming to know of it, the defacto complainant has lodged the present complaint, based on which the FIR has been registered on 15.09.2013. In a case of this nature where an young girl has been sexually abused, though with her consent, the question of limitation cannot be applied. Under Section 473 Cr.P.C. the Court has got the power to even condone the delay. Since the FIR contains sufficient materials, the investigation shall proceed. The respondent police is directed to complete the investigation, if not already completed and file a final report or closure report, as the case may be, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station,
Katpadi, Vellore District
2. The Inspector of Police,
Katpadi Police Station
Katpadi, Vellore District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.R.Margabandu, Advocate Sr.49752

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srg 21/09/2016