

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19797 of 2016

1.V.Thirumoorthy
2.Thanga @ V.Thangammal
3.V.Ganesan
4.P.Myilsamy
5.Saravanan @ K.Saravana Kumar
6.N.Selvakumar
7.M.Veluswamy
8.R.Mohan
9.K.Saravana Kumar ... Petitioners

Vs

1.State rep. by
The Inspector of Police,
Madhukarai Police Station,
Coimbatore.

2.N.Banupriya
3.L.Natarajan ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to accept the compromise and quash the proceedings pending against the petitioner and others in Crime No.364 of 2010 dated 29.03.2010 on the file of the 1st respondent.

For Petitioners : Mr.K.Balasubramanian

For 1st Respondent : Mr.C.Emalias, APP

For R2 and R3 : Mr.G.Devarajan

O R D E R

This petition has been filed to quash the FIR in Crime No.364 of 2010 dated 29.03.2010 on the file of the 1st respondent.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor appearing for the 1st respondent; learned counsel appearing for the respondents 2 and 3 and perused the materials placed on record.

3. On the complaint lodged by Natarajan, the respondent Police registered a case in Crime No.364 of 2010 on 29.03.2010 under Section 363 IPC against nine accused, challenging which, the accused are before this Court for quashing the FIR on the ground that the parties have arrived at a compromise.

4. It is the case of Natarajan, that his daughter Banupriya was abducted by Thirumoorthy and hence, the FIR. It appears that Banupriya and Thirumoorthy were in love and they got married on 04.05.2011 and they have one child through the wedlock.

5. Today, Natarajan [de facto complainant], Thirumoorthy and Banupriya are present before this Court. They are identified by Mr.K.Balasubramaniam. Both Banupriya and Natarajan are represented by their counsel Mr.G.Devarajan, Enrollment No.4084/12 and they have filed their affidavits. Banupriya in her affidavit dated 26.08.2016 has stated as follows:

"2. I submit that the 1st petitioner is my husband and 3rd respondent is my father. I submit that I was in love with the 1st petitioner, my father who is the 3rd respondent herein was against my love with the 1st respondent and I left my house without the consent of my father i.e., is the 3rd respondent.

3. I submit that enraged by my act 3rd respondent preferred a complaint in with the 1st respondent which was registered in Crime No.364 of 2010 alleging offences U/s.363 @ 366[A] against the petitioners.

4. I submit that I got married with the 1st petitioner on 04.05.2011 after he came out on bail and further out of our lawful wedlock a baby child by name T.Varshitaa was born who is now aged about 4 years. I further submit myself and the 1st petitioner are now living happily and we are leading a happy family life.

5. During the pendency of the case the 3rd respondent has accepted the marriage between me and 1st petitioner. Upon the advice from the elders and relatives the 3rd respondent has decided not to proceed further in the above pending case against the petitioners.

6. I submit that the petitioners have also sworn a separate affidavit, reporting the compromise and seeking quash of the proceedings in Crime No.364 of 2010 dated 29.03.2010 on the file of the 1st respondent."

6. In view of the above, this petition is allowed and the FIR in Crime No.364 of 2010 on the file of the 1st respondent Police is hereby quashed against all the accused.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gya

To

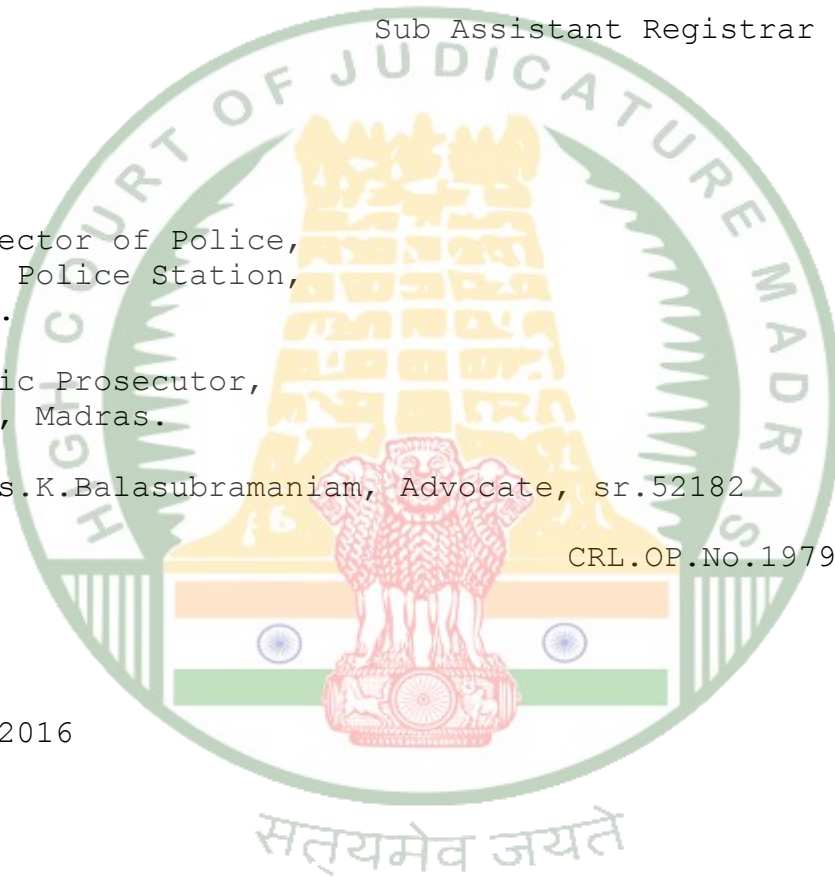
1.The Inspector of Police,
Madhukarai Police Station,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

1 cc to M/s.K.Balasubramaniam, Advocate, sr.52182

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