

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.21147 of 2016

&

M.P.No.9796 of 2016

1.Sekar [A1]
2.Karthuri [A2]
3.Malliga [A3]
4.Arul [A4]
5.Umapathi [A5]
6.Jayaraj @ Sivakumar [A6]

... Petitioners

versus

1.State rep. by
The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District. [complainant]

2.Mrs.Vijayalakshmi [De facto complainant]

... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C., praying to call for the records in P.R.C.No.10 of 2015 on the file of the learned District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District and to quash the entire criminal proceedings in P.R.C.No.10 of 2015.

ORDER

On a complaint from the 2nd respondent-Mrs.Vijayalakshmi, the 1st respondent police registered a case in Crime No.201 of 2009 against the petitioners 1 to 6 herein and after completing the investigation, the respondent police have filed a final report in P.R.C.No.10 of 2015 before the learned District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District, for offences under Sections 363, 366(A) and 376 of IPC against the petitioners. Seeking to quash the said criminal proceedings on

the ground that the parties have arrived at a compromise, the petitioners are now before this court.

2. It is the case of the prosecution that Mrs.Kalaivani is the daughter of Mrs.Vijayalakshmi and that she was studying +2 in the Girl's Higher Secondary School at the time of occurrence. The accused came to the house of Mrs.Vijalakshmi and sought the hand for Mrs.Kalaivani for their son-Mr.Umapathy [A5]. Mrs.Vijayalakshmi and her husband did not agree for the marriage, but Mrs.Kalaivani was interested in Mr.Umapathy (A5). It is alleged by the prosecution that Mrs.Kalaivani was forcibly taken and her marriage was performed with Mr.Umapathy.

3. Today, Mrs.Vijayalakshmi, Mrs.Kalaivani and Mr.Umapathy are present in court. Mrs.Kalaivani got married Mr.Umapathy on 01.05.2009 and they have two children by name (1) Nobel and (2)Yamuna through the wedlock. On enquiry by this court, Mrs.Kalaivani stated that she has married Mr.Umapathy and she is living with him happily. Mrs.Kalaivani [victim] has also filed an affidavit wherein it is stated in paragraphs 4, 5 and 6 as follows:-

"4. I submit that after coming out on bail by my husband, again after lapse 5 months, I had voluntarily eloped with the 5th petitioner and both were went to Erode and lived together as husband and wife. During 9th month of pregnancy, both were returned to my native and lived in my matrimonial home. On 25.06.2010 I gave birth to a male child. After birth of my 1st child, the in-laws convened panchayath and the panchayathar advised my mother to accept our marriage. Now, there was no issue between us and we are having cordial relationship with each other. On 25.08.2012 I have given birth to a female child and my 1st son by name NOBEL, studying 2nd Std. and the 2nd child namely YAMUNA studying UKG in the Sri Ramakrishna Matriculation School at Arasampatti Village, Pochampalli Taluk, Krishnagiri District.

5. I submit that after lapse of 6 years, the 1st respondent police completed investigation and filed final report before the learned District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District and the same was taken on file in P.R.C.No.10 of 2015 and issued summons to the petitioners. On receipt of the summons alone we came to remember about the pendency of the complaint given by mother. Immediately, my mother approached the 1st respondent police requesting

them not to proceed the case further and permit her to withdraw my complaint. But, the 1st respondent police refused to allow her to withdraw her complaint, since charge sheet has already been filed and the case is pending before the learned District Munsif cum Judicial Magistrate, Pochampalli, and directed her to approach the court concerned. Hence, my mother come with her lawyer and filed her separate affidavit along with this application and the same may be read as part and parcel of this petition.

6. I submit that now I am living along with my husband and other petitioners in my matrimonial home happily and having 2 children. If the case is proceeded further my life and my two children's life will be in question."

4. Mr.L.Devan, the Special Sub Inspector of Police attached to Pochampalli Police Station, who is present in court, identified both the parties and also the victim and has stated that the victim-Mrs.Kalaivani and A5-Umapathy have got married and they are blessed with two children and that they are living happily.

5. Recording the above, this criminal original petition is allowed and the criminal proceedings now pending in P.R.C.No.10 of 2015 on the file of the learned District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District relating to the case in Crime No.201 of 2009 on the file of the Inspector of Police, Pochampalli Police Station, Krishnagiri District is hereby quashed. Consequently, connected MP is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

WEB COPY
Sub Assistant Registrar

kmk

To

1.The District Munsif cum Judicial Magistrate, Pochampalli,
Krishnagiri
District.

2.The Inspector of Police,Pochampalli Police Station,Krishnagiri
District.

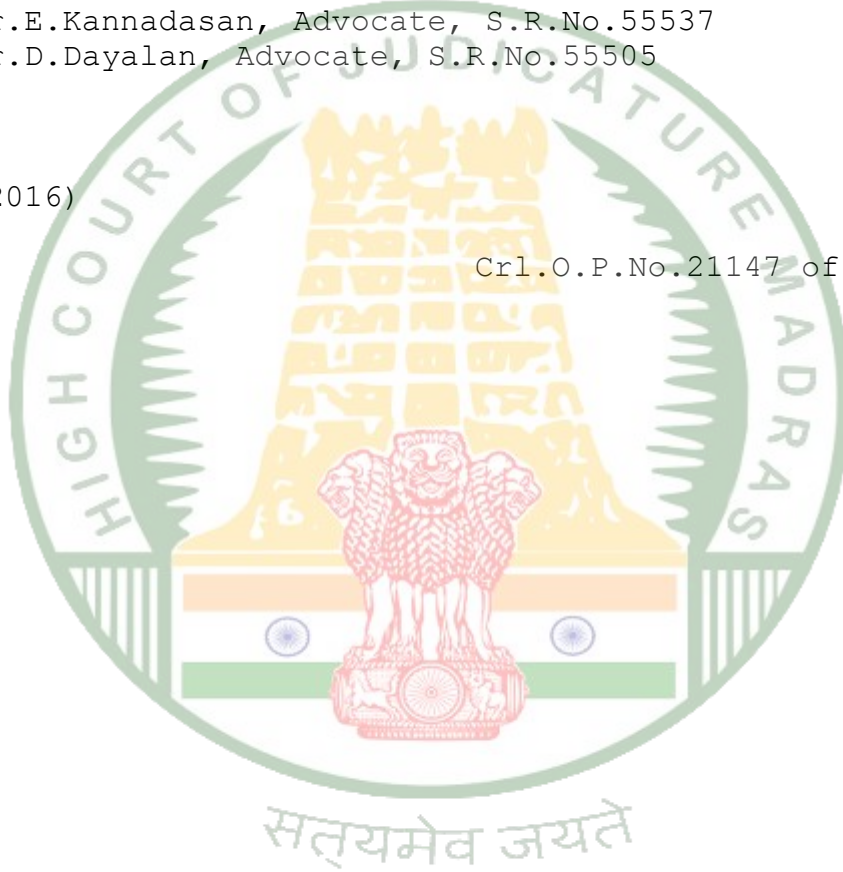
3.The Public Prosecutor, High Court, Madras.

+lcc to Mr.E.Kannadasan, Advocate, S.R.No.55537

+lcc to Mr.D.Dayalan, Advocate, S.R.No.55505

GJ(CO)
yj (12/11/2016)

Cr1.O.P.No.21147 of 2016



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