

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2016

CORAM:

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

Crl.O.P. No.22651 of 2016 & Crl.M.P. Nos.10555 and 10556 of 2016

1 Karuppayi

2 Muthu

3 Vinayagam

4 Manickam

5 Anbarasu

Petitioners/Accused 2 to 6

vs.

1 The State represented by
the Inspector of Police
Vriddhachalam Police Station
Cuddalore District 606 001

2 Adhilakshmi

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the entire records in pursuance of the impugned charge sheet dated 26.07.2012 in P.R.C. No.2 of 2013 on the file of the Judicial Magistrate No.II, Vriddhachalam and quash the same insofar as the petitioners 1 to 5 herein are concerned.

For petitioners Mr. R. Gopinath

For R1 Mr. C. Emalias

Addl. Public Prosecutor

For R2 Mr.K. Mahendran

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ORDER

This Criminal Original Petition has been filed seeking to call for the entire records in pursuance of the impugned charge sheet dated 26.07.2012 in P.R.C. No.2 of 2013 on the file of the Judicial Magistrate No.II, Vriddhachalam and quash the same insofar as the petitioners 1 to 5 herein.

2 On the complaint lodged by Adhilakshmi, the second respondent herein, the first respondent police registered a case in Crime No.92 of 2012 and after completing the investigation, filed a final report in P.R.C. No.2 of 2013 before the Judicial Magistrate Court No.II, Vriddhachalam, for offences under Sections 366-A and 376, IPC against Chinnadurai (A1), Karuppayi (A2), Muthu (A3), Vinayagam (A4), Manickam (A5) and Anbarasu (A6), challenging which, accused 2 to 6 have preferred this Criminal Original Petition on the ground that they have arrived at a compromise with the second respondent/de facto complainant.

3 It is the case of the prosecution that Chinnadurai (A1) had enticed Divya, the de facto complainant's daughter and had sexual relationship with Divya on 20.05.2012, who was short of a few months of attaining majority. Thereafter, he had eloped with her. Hence, the FIR.

4 As regards the other accused, viz., A2 to A6, it is alleged that they are the parents and relatives of Chinnadurai (A1) and that they were also responsible for Chinnadurai kidnapping Divya.

5 Today, Divya and her mother Adhilakshmi (second respondent/de facto complainant) are present and they are identified by Mr. D. Anbarasan, Head Constable, Kammapuram P.S., Cuddalore District.

6 Today, Divya has filed an affidavit in Tamil stating that she was in love with Chinnadurai (A1), that she got married to him and that she has two children through the wedlock. In her affidavit, she has further averred that she is living happily with Chinnadurai (A1), that Chinnadurai is working in Saudi Arabia and that he is taking care of the family.

7 Adhilakshmi (second respondent/de facto complainant) also has filed an affidavit of even date in Tamil, reiterating Divya's version.

8 Karuppayee (A2), who is none other than sister of Chinnadurai (A1) also, has filed an affidavit of even date, stating that her brother has married Divya, that she is the legally wedded wife of her brother Chinnadurai (A1) and that she has been taken care of by Chinnadurai (A1).

9 On enquiry by this Court, Divya stated that she is living happily with Chinnadurai (A1) and that if the prosecution continues, it will only be prejudicial to her interest.

10 However, Mr. C. Emalias, learned Additional Public Prosecutor objected to the quashment of the prosecution on the

ground that Divya was kidnapped by Chinnadurai (A1) knowing full well that she was a minor, on the date, he eloped with her, whose date of birth is 05.07.1995.

11 Be that as it may, taking into account the affidavit filed by Divya and her mother Adhilakshmi that Divya and Chinnadurai (A1) are living happily and that the continuation of the prosecution against the accused will only be prejudicial to the matrimonial life of Divya, the entire prosecution in P.R.C. No.2 of 2013 on the file of the Judicial Magistrate No.II, Vriddhachalam, against all the accused, including those who have not approached this Court, is quashed and this Criminal Original Petition is allowed. Connected CrI.M.Ps. are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

cad

To

1 The Inspector of Police
Vriddhachalam Police Station
Cuddalore District 606 001

2 The Judicial Magistrate No.II
Vriddhachalam

3 The Public Prosecutor
Madras High Court
Chennai 600 104

+1 cc to Mr.R.Gopinath Advocate sr 66049

CrI.O.P. No.22651 of 2016

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