

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3486 OF 2016

ORDER:

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This petition is filed by the petitioner-accused No.2 under Section 482 Cr.P.C. seeking to quash the proceedings against him in PRC No.8 of 2008 on the file of the Judicial Magistrate of First Class, Railway Kodur, Kadapa District, for the offences punishable under Sections 506 IPC and 3, 4 and 5 of the Child Marriage Act.

Heard and perused the material available on record.

A perusal of the material available on record discloses that the de facto complainant lodged a complaint against the brother of the petitioner i.e. A1 and basing on the same, a case in Crime No.56 of 2005 was registered against A1 only for the offence punishable under Section 354 IPC. Thereafter, the petitioner and his father went to the house of the de facto complainant and performed the marriage the de facto complainant with A1.

During the course of investigation of crime, the petitioner went to Gulf Countries for his livelihood. Subsequently, after completion of investigation, the police filed charge sheet against A1 to A3 as follows:

Against A1 for the offences punishable under Sections 354, 506, and 3 & 4 of the Child Marriage Restraint Act and against A2 and A3 (petitioner and his father) for the offence punishable under Section 5 of the Child Marriage Restraint Act. Since the petitioner was absconding, the case against him was split up and numbered as PRC No.8 of 2008. The case was numbered as CC No.223 of 2008 before the Judicial Magistrate of First Class, Rajampet. Thereafter, the matter was compromised between the parties before the Mega Lok Adalat and the Lok Adalat passed an award to the effect that the case was compromised between the parties and in view of the compromise, the accused were acquitted of the above said offences.

Learned counsel for the petitioner submitted that the petitioner came back to India and all of a sudden, the police are threatening him

to arrest him in view of the pendency of the case and NBW was issued against him by the Court of Judicial Magistrate of First Class, Railway Kodur, and the case against him along with the other accused was ended in acquittal in view of the compromise arrived at between the parties before the Mega Lok Adalat vide its Award, dated 20.09.2008 and therefore, continuation of proceedings against him in PRC No.8 of 2008 is nothing but abuse of process of law. He also produced a copy of the Award, dated 20.09.2008, passed by the Lok Adalat before this Court.

After hearing the arguments of the learned counsel for the petitioner and after perusing the material available on record and also in view of the compromise arrived at between the parties, this Court is inclined to pass the following order:

The Criminal Petition is allowed and the proceedings against the petitioner – A2 in PRC No.8 of 2008 before the Judicial Magistrate of First Class, Railway Kodur, are hereby quashed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

March 15, 2016.
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