

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.2937 of 2012
in
M.P.Nos.1 and 2 of 2012

A.Dasarathan,
S/o. Arumugam

.. Petitioner

Vs.

1. The Inspector of Police
Singarapettai Police Station
Uthangarai Taluk,
Krishnagiri District
(Crime No.489 of 2006)

2. S.Sundaramurthy,
S/o.Surudaiyan

.. Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for records in P.R.C.No.11 of 2008 on the file of District Munsif Cum Judicial Magistrate, Uthangarai, Krishnagiri District and quash the same.

For Petitioner : Mr. S.Sathish Rajan

For Respondents : Mr.M.Mohammed Riyaz,

Government Advocate (Crl.side) for R1

: Mr.K.Thiruvengadam for R2

ORDER

This petition seeks quash of proceedings in P.R.C.No. 11 of 2008 on the file of District Munsif Cum Judicial Magistrate, Uthangarai, Krishnagiri District.

2. The case in Crime No.489 of 2006 on the file of the first respondent stems from the complaint of the second respondent to the effect that his daughter, a minor girl aged 14 years, had been abducted by the petitioner and raped. Pursuant to investigation, charge sheet against the petitioner has been filed for commission of offences u/s.341, 366 and 376 (i) IPC.

The case is pending in P.R.C No. 11 of 2008 on the file of District Munsif Cum Judicial Magistrate, Uthangarai, Krishnagiri District.

3. The petition is supported by an affidavit of the victim/daughter of second respondent to the effect that the allegation against the petitioner/her husband is false. On the date of such affidavit (January 2012) she was 19 years old. Presently the victim, the daughter of the second respondent, now aged 24 years, has sworn to affidavit dated 24.04.2017 wherein she reiterates that her husband has not committed any offence as alleged by her father/second respondent, that she had entered upon marriage with the petitioner on her own volition and they are a happily married couple enjoying the bliss of their Son, who was born on 02.06.2010.

4. The Victim, having been 14 years of age at the time of occurrence, admission of marriage and being in sexual relationship with her would lead to inference of commission of offence of rape by petitioner. Learned counsel for second respondent/defacto complainant submits that the second respondent had arranged the marriage of his other daughter and had gifted a cow and Rs.20,000/- (Rupees twenty thousand only). Learned counsel submits that barely within ten days of such marriage, petitioner had approached second respondent and demanded that he and his wife be treated likewise. His daughter/wife of petitioner informs that she has nothing to do with second respondent. Merely recording the position as informed by either side, this court, in the circumstances of the case and having the presence of the parties before us and considering the affidavit of the victim girl dated 24.04.2017, is inclined to exercise powers under section 482 of Cr.P.C and quash further proceedings in P.R.C.No. 11 of 2008 on the file of District Munsif Cum Judicial Magistrate, Uthangarai, Krishnagiri District. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sli/bri

To

1. District Munsif Cum Judicial Magistrate,
Uthangarai,
Krishnagiri District.
2. The Inspector of Police
Singarapettai Police Station
Uthangarai Taluk,
Krishnagiri District.
3. Public Prosecutor
High Court,
Madras.

+1cc to Mr.K.Thiruvengadam, Advocate, S.R.No.24515
+1cc to Mr.S.Sathish Rajan, Advocate, S.R.No.24422

Crl.O.P.No.2937 of 2012

VD(CO)
CS/23/08/17



WEB COPY