

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.20489 of 2018 and
CrI.M.P.No.11012 of 2018

Sarath Kumar

... Petitioner

Vs

1. The Inspector of Police,
K.V.Kuppam Police Station,
Vellore,
Vellore District.

2. Subramani

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records pursuant to Crime No.246 of 2015 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.M.Sathish Kumar

For R1 : Ms.M.Prabhavathi
Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the entire records relating to Crime No.246 of 2015 on the file of the 1st respondent police and quash the same.

2. On the complaint lodged by one Subramani, the 1st respondent police have registered a case in Crime No.246 of 2015 for the offences under Sections 363, 366, 366-A IPC on 21.07.2015 against one Sarath Kumar (A1) and two others. During the course of investigation, the police filed an alteration report dated 13.08.2015 and have included Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for brevity 'the POCSO Act'). While so, this quash application has been filed on the ground that the parties have arrived at a compromise.

3. Today, Mr.K.Karthik Selvam, Sub Inspector of Police, K.V.Kuppam Police Station, Vellore, is present.

4. In a case involving the provisions of the POCSO Act, the FIR cannot be quashed on the ground that the parties have arrived at a compromise. However, in this case, it is the allegation of the de facto complainant that his daughter Shalini, aged 16 ½ years ran away with Sarath Kumar (A1).

5. Today, Subramani, the de facto complainant, Shalini, the victim girl and Sarath Kumar (A1) are present. They submitted that after Shalini attained the age of 18, she got married to Sarath Kumar (A1) and their marriage was registered on 19.01.2017 and they are living happily.

6. Subramani, Shalini's father, has filed an affidavit dated 20.08.2018, wherein in Para 3 and 4, he has stated as follows :

''3. I submit that the petitioner and my daughter Shalini was in love affair, without knowing the same we had made arrangements for the marriage of my daughter and knowing the same the petitioner and my daughter eloped from the house and got married themselves in the temple, after the marriage my daughter had joined the matrimonial home along with the petitioner in his resident, after knowing the facts, we the elders of the both families had talks with each other and solved the issues among ourselves and we were in good relationships now, the marriage of the petitioner with my daughter was duly registered before the Sub-Registrar of K.V.Kuppam, Vellore, Vellore District. In Marriage S.No. 03 of 2017 dated on 19.01.2017.

4. I submit that the petitioner (My son-in-law) was working in QUEES Corporation Limited as Route patrol officer and earning handsome of salary around Rs.14,000/- (Fourteen thousand) and he is looking after my daughter with love and affection, when our both the families were in good relationship, the pendency of the FIR was stain in our relationship and I decided to withdraw my complaint and I approached the 1st respondent for withdrawal of the complaint the same was refused by them, considering the facts and circumstances of the case, it is just and necessary to quash the FIR in Crime No.246 of 2015 pending on the file of the 1st respondent accepting my affidavit.''

In view of the above, the prosecution against all the three accused in Crime No.246 of 2015 on the file of the 1st respondent police is quashed and as a sequel, this Criminal Original Petition is allowed on condition that the accused in the said crime shall pay a sum of Rs.1,000/- each (totally Rs.3,000/-) as

costs to the credit of the Chief Justice Relief Fund [payable in Accounts Section of the High Court Registry], within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

mkn

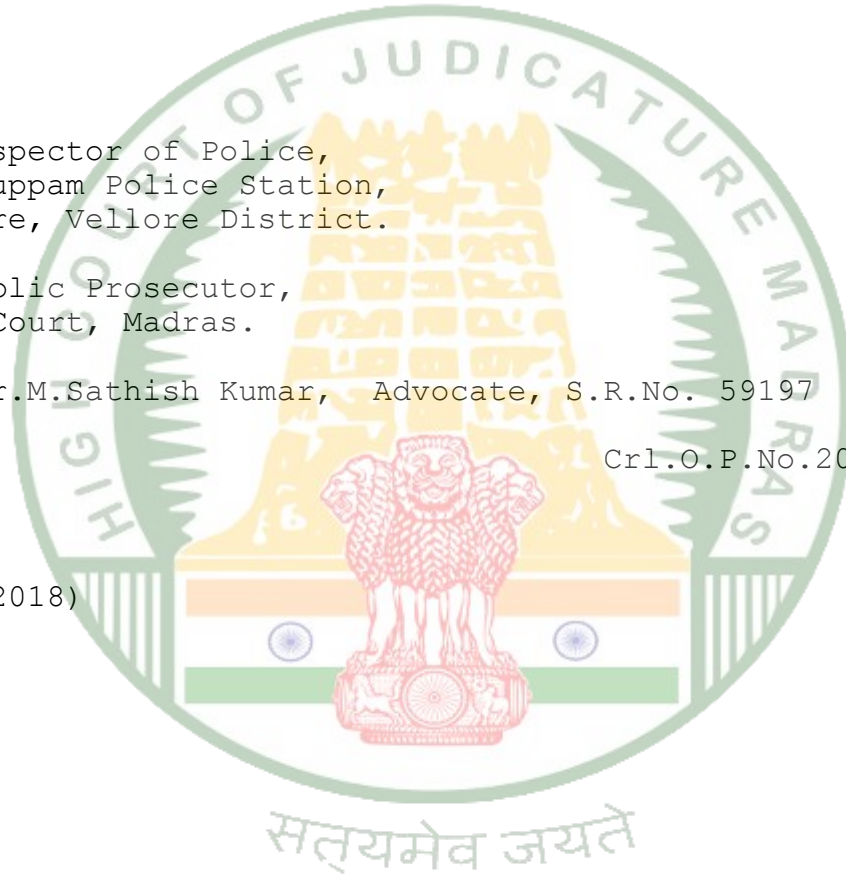
To

1. The Inspector of Police,
K.V.Kuppam Police Station,
Vellore, Vellore District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Sathish Kumar, Advocate, S.R.No. 59197

CrI.O.P.No.20489 of 2018

GN(12/09/2018)



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