

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20718 of 2018

1.Mani
2.Thangaraj
3.Prakash
4.Sathish
5.Thavamani

... Petitioners

Vs

1.The State rep. by
The Inspector of Police,
Jaderpalayam Police station,
Namakkal District.
(Crime No:61/2015 dated 02.04.2015)

2.Thangavel

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call the records and quash the proceedings in Crime
No:61/2018 pending on the file of the Jadarpalayam Police
Station, Namakkal District for offences under Section 366(A)
IPC @ 366 IPC and 3 r/w 4 of POCSO Act 2012.

For Petitioners : Mr.Deepan Uday

For R1 सत्यमेव जयते : Mrs.M.Prabhavathi, APP

For R2 : Mr.G.Sukumar

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O R D E R

On the complaint lodged by Thangavel (R2/de facto complainant herein), the respondent Police registered a case in crime No.61 of 2015 on 02.04.2015 under Section 366(A) IPC against Mani(A1). It is the case of the de facto complainant that his daughter Nandhini aged about 17 years went to school on 31.03.2015 and did not return home; when on enquiries, it came to light that she was taken away by Mani(A1); during the course

of investigation, the Police filed an alteration report altering the offences from Section 366(A) IPC to 366 IPC and Section 3 r/w 4 of POCSO Act, 2012 and the Police also included petitioners 2 to 5 (relatives of Mani) as co-accused in crime No.61 of 2015. While so, this quash petition has been filed on the ground that the parties have arrived at a compromise.

2.Under normal circumstances, this Court will not quash the prosecution under POCSO Act. But however, it is seen that Nandhini was in love with Mani and now, they got married on 29.12.2017.

3.Today Mr.R.David Balu, Special Sub Inspector of Police, Jedarpalayam Police Station is present before this Court.

4.Thangavel (de facto complainant), Nandhini (victim girl) and Mani are present. On enquiries by this Court, Nandhini stated that she got married to Mani on 29.10.2017 and that, she is now in the family way. Thangavel, the defacto complainant has filed an affidavit dated 27.08.2018, wherein, in paragraph Nos.2, 3 and 4, it is stated as follows :

"2.Based on the complaint lodged by the 2nd respondent, the 1st respondent registered a case against the petitioners in Crime No.61 of 2015 for offences under Sections 366(A) @ 366 IPC and 3 r/w 4 POCSO Act 2012 on 02.04.2015. After registering the FIR the petitioners further submit that the dispute between the parties has been settled amicably and the first petitioner married the victim with the support of the defacto complainant. The petitioners further submits that the 1st petitioner and victim are now living together happily.

3.I further submit that 1st petitioner and victim are now got Married and living together happily. I have decided to withdraw the pending case against the petitioners. I submit that me and petitioners have entered into a joint compromise memo that we undertake and assure that each of us will not lodge any complaint against each other in future.

4.I submit that I am filing this affidavit reporting the compromise and seeking quash of the proceedings in Crime No.61 of 2015 pending on the file of the 1st respondent, Namakkal as against the petitioners."

5.In view of the above this petition is allowed and the FIR in Crime No.61 of 2015 is quashed as against all the accused, on

condition that the 1st petitioner shall pay a sum of Rs.1,000/- 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/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gya
To

1.The Inspector of Police,
Jaderpalayam Police station,
Namakkal District.

2.The Section Officer,
Accounts Section,
High Court, Madras.

3.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.20718 of 2018

srg 6/9/2018

सत्यमेव जयते

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