

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2018

CORAM:

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

Crl.O.P.No.16582 of 2018 & Crl.M.P. No.8539 of 2018

P. Azhagappan

Petitioner

Vs.

1 The State represented by
the Inspector of Police
Mangalapuram Police Station
Namakkal
(Cr. No.92 of 2015)

2 V. Selvi

3 V. Devi Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., seeking to call for the records in Spl. C.C. No.54 of 2015 on the file of the Fast Track Mahila Court, Namakkal, registered for the alleged offences under Sections 366-A of IPC and Section 5-L read with Section 6 of the POCSO Act, 2012 and quash the same.

For petitioner Mr. W.Camyles Gandhi

For R1 Mrs. Kritika Kamal P.
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to call for the records in Spl. C.C. No.54 of 2015 on the file of the Fast Track Mahila Court, Namakkal and quash the same.

2 On the complaint lodged by Selvi, the second respondent herein, that her daughter Devi, the third respondent herein, aged about 16 ½ years, was abducted by Azhagappan (petitioner/accused), the first respondent police registered a case in Cr. No.92 of 2015 on 26.08.2015 and after completing the investigation, filed a charge sheet in Special C.C. No.54 of 2015 before the Fast Track Mahila Court, Namakkal for the offence under Section 366-A IPC and Sections 5 and 6 of the POCSO Act, 2012, for quashing which, the accused has preferred this Criminal Original Petition on the ground that he has married Devi.

3 Today, Mr. P. Ramakrishnan, Inspector of Police, Belukurichi Police Station, Namakkal District is present and he has identified Azhagappan (accused) and Devi, the victim girl, who are also present before this Court.

4 Under normal circumstances, this Court would be loath to quash a prosecution under the POCSO Act even if the parties arrive at a compromise. However, in this case, on a reading of the Section 164 Cr.P.C. statement of Devi, the victim girl, to the Judicial Magistrate, Tiruchengode, it is seen that she has clearly stated that she was in love with Azhagappan (accused) and had gone, on her own accord, with him. Further, after attaining the age of majority, Devi has married Azhagappan (accused) on 14.05.2018 and their marriage has also been registered on 16.05.2018. Devi has also filed an affidavit dated 11.07.2018, wherein, she has stated as under:

"3. I state that on that earlier occasion on 21.08.2015, I have not attained the age of majority but recently me and the petitioner get married on 14.05.2018 and also registered the same before the Registrar of Marriages, Namakkal and registered as Certificate of Registration of marriage no.72/2018. In addition to that, we both of us entered into matrimonial life and leading a problem free life except the criminal proceedings in Spl. C.C. No.54 of 2015, on the file of the Fast Track Mahila Court, Namakkal, which sanding as hurdle in our life. In these circumstances, unless this Hon'ble Court quash the proceedings in Spl. C.C. No.54 of 2015, on the file of Fast Track Mahila Court, Namakkal, which is against the petitioner, who is my husband now, I will be put to serious prejudice and untold hardships and our life also will be perished."

5 In view of the above, the proceedings in Special C.C. No.54 of 2015 on the file of the Fast Track Mahila Court, Namakkal, is quashed and as a sequel, this Criminal Original Petition is allowed on condition that the petitioner pays a sum of Rs.1,000/- 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. Connected Crl.M.P. is closed.

Sd/-
Assistant Registrar(cS VII)

//True Copy//

Sub Assistant Registrar

cad

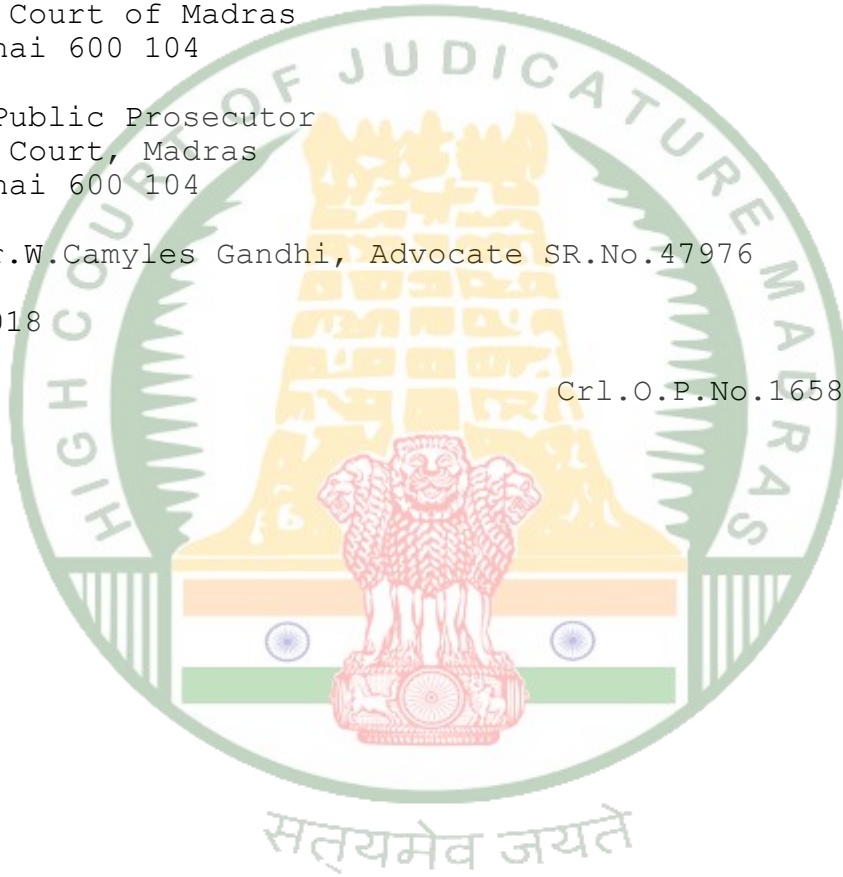
To

- 1 The Inspector of Police
Mangalapuram Police Station
Namakkal
- 2 The Fast Track Mahila Judge
Namakkal
- 3 The Section Officer
Accounts Section
High Court of Madras
Chennai 600 104
- 4 The Public Prosecutor
High Court, Madras
Chennai 600 104

+1cc to Mr.W.Camyles Gandhi, Advocate SR.No.47976

sm:25.7.2018

Cr1.O.P.No.16582 of 2018



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