

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2018

CORAM

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

Crl.O.P. No.16648 of 2018

and

Crl.MP.No.8591 of 2018

Kumar @ Tennish

...Petitioner

vs.

1. The Inspector of Police
Latheri Police Station
Katpadi Taluk
Vellore District.

2. Lilly

...Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records in Crime No.257 of 2016 on the file of the 1st respondent and quash the same.

For petitioner : Mr.M.Sathish Kumar

For Respondents : Mrs.Kritika Kamal.P
Government Advocate (Crl. Side) for R1

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.257 of 2016 on the file of the 1st respondent and quash the same.

2. On the complaint lodged by the second respondent (de facto complainant), the first respondent registered a case in Crime No.257 of 2016 on 10.07.2016 for the offences under Section 366(A) of IPC and Sections 3 & 4 of the Protection of Child from Sexual Offences Act, 2012, (for short "the POCSO Act") against the petitioner herein, for quashing which, this petition has been filed on the ground that the parties have arrived at a compromise.

3. Today, the de facto complainant, the victim girl and the accused are present before this Court and they are identified by Mr.V.Pushparajan, HC 2116, Latheri Police Station, Vellore

District, who is also present before this Court.

4. Under normal circumstances, this Court would not quash the FIR under POCSO Act, however, on a reading of FIR in this case, it is alleged by the de facto complainant that her daughter Monisha Kumari, who was aged about 17 years at the time of incident, has ran away with the accused. During the pendency of the investigation, Monisha Kumari and the accused got married on 08.07.2016 and they also have a girl child.

5. Lilly, the de facto complainant, who is the mother of Monisha Kumari has filed an affidavit dated 28.06.2018, wherein, she has stated as follows :-

"I submit that the petitioner/accused was none other than my brother's son and who is my neighbor also, the petitioner and my daughter Monisha Kumari (Victim girl) got married on 08.07.2016, after securing my daughter and the petitioner/accused, elders of the both the families had settled the issues among ourselves. I further submit that on the witness of the marriage a female child was born namely K.Thanishya now aged about 1 1/2 years and they were living happily in the matrimonial home.

I submit that now the differences between the two families and solved the issues and we had been in good relationship, pending of the FIR causes a great stigma in our relationship considering the same. I decided to withdraw my complaint preferred as against petitioner. Considering the facts and circumstances of the case, it is just and necessary to quash the FIR in Crime No.257 of 2018 pending on the file of the 1st respondent.

Hence, it is humbly prayed that this Hon'ble Court may be pleased to quash the FIR in Crime No.257 of 2016 pending on the file of the 1st respondent ."

6. Since the parties have arrived at a compromise as stated above this petition is allowed and the proceeding in Crime No.257 of 2016 is hereby quashed.

7. The petitioner/accused and the second respondent/de facto complainant are directed to pay costs of Rs.1,000/- (Rupees One Thousand Only) each (totally Rs.2,000/-) 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 for reporting compliance in the Registry. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Inspector of Police
Latheri Police Station
Katpadi Taluk
Vellore District.
2. The Public Prosecutor
High Court, Madras.
3. The Section Officer
Accounts Section
High Court of Madras.
Chennai-600 104.
4. The Section Officer,
Criminal Section,
High Court, Chennai -104

+1cc to Mr.M.Sathish Kumar, Advocate, S.R.No.42205

CrI.O.P. No.16648 of 2018

CS/05/07/18

सत्यमेव जयते

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