

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

CORAM

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

Cr1.O.P. No.18653 of 2018
and Cr.M.P.No.9832 of 2018

1. Suresh
- 2.Chinnathambi
- 3.Valarmamthi
- 4.Sathya
- 5.Moorthy

... Petitioners/Accused 1 & 5

vs.

1. The State Rep by,
Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

2. Ramesh
- ... Respondents/Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records in a case registered under Section 366 (A) of IPC in Crime No.103/2018 on the file of respondent and quash the same.

For petitioners : Mr.K.Thiruvengadam

For R1 : Mr.C.Iyyapparaj
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed to call for the records in Crime No.103 of 2018 on the file of the first respondent and quash the same.

2. Aarthi, aged about 17 years, studying in 12th standard, went missing on 02.04.2018 and did not return home. Therefore, on the complaint given by her father Ramesh, the respondent police registered a case in Crime No.103 of 2018 on 04.04.2018 under Section 366 (A) IPC against Suresh [A1], Chinnathambi [A2], Valarmathi [A3], Sathya [A4] and Moorthy [A5]. On

10.04.2018, Aarthi herself surrendered before the police stating that she went away to her relatives house, since her parents were making arrangements for her marriage and that she was not kidnapped by anyone. Therefore, the accused are before this Court for quashing the FIR.

3. On the directions of this Court, today, Mr.T.Chinnasamy, Inspector of Police, Singarapettai Police Station, Aarthi and her parents are before this Court.

4. On a perusal of the case diary and the statement of Aarthi, it is seen that she has stated that she had gone on her own volition to her friend's house, in order to prevent her parents from giving her in marriage. The police have not yet recorded the 164 Cr.P.C. statement of the victim girl. Though there are no prima facie materials as against A2 to A5, yet, this Court directs the respondent police to have the statement of the victim girl recorded under Section 164 Cr.P.C and if she does not implicate anybody, it is needless to state that further prosecution in Crime No.103/2018 should be closed.

With the above direction, this petition is ordered accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gms
To

1. The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Thiruvengadam, Advocate Sr.53308

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gj-II[co]
srg 21/08/2018