

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.18866 of 2018

T.Dinesh

.. Petitioner

Vs

1.The State rep. by
The Inspector of Police,
Kumarapalayam Police Station,
Namakkal.
[Cr.No.200 of 2015]

2.L.Prakash

3.P.Brindha

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records in Spl.C.C.No.20 of 2017 on the file of the Fast Track Mahila Court, Namakkal, registered for the alleged offences under Section 366 of IPC and 5[1] r/w 6 and 5[j][ii] of POCSO Act, 2012 and quash the same.

For Petitioner : Mr.W.Camyles Gandhi

For 1st Respondent : Mr.C.Iyyapparaj, APP

O R D E R

On the complaint lodged by Prakash that his daughter Brindha, aged about 16 years, was kidnapped by Dinesh, the respondent Police registered a case in Crime No.200 of 2015 on 21.05.2015 under Section 366A IPC and after completing the investigation, have filed a Charge Sheet in Spl.C.C.No.20 of 2017 before the Fast Track Mahila Court, Namakkal under Section 366 IPC and 5[1] r/w 6 and 5[j][ii] of POCSO Act, 2012, against Dinesh, for quashing which, this petition has been filed on the ground that Dinesh has now married Brindha.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

3.Under normal circumstances, this Court would not venture to quash the prosecution under POCSO Act on the ground that the parties have arrived at a compromise. In this case, Brindha was little over 16 years old, when she ran away with Dinesh. Even in the statement of Brindha recorded under

Section 164 Cr.P.C. by the Court, she has stated that she was in love with Dinesh and ran away with him.

4.Today, Mr.P.Marimuthu, HC 965, Kumarapalayam Police Station is present before this Court. Prakash the de facto complainant, his daughter Brindha and Dinesh are present. They have been identified by the Police. Brindha has filed an affidavit dated 24.07.2018, wherein, she has stated as follows :

"3.I state that on that earlier occasion on 20.05.2015, I have not attained the age of majority but recently me and the petitioner get married and fortunately gave birth to one child and lead a happy life. 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.20 of 2017, on the file of the Fast Track Mahila Court, Namakkal, which standing as hurdle in our life. In these circumstances unless this Hon'ble Court quash the proceedings in Spl.C.C.No.20 of 2017, 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 and in addition to that our one child also will be put to serious prejudice and untold hardships and the whole family also will face huge difficulty without due care of the petitioner herein."

5.Prakash, the 2nd respondent/de facto complainant has also filed an affidavit dated 27.07.2018, wherein, she has stated as follows :

"3.I state that on that earlier occasion on 20.05.2015, my daughter have not attained the age of majority but recently she and the petitioner get married and fortunately gave birth to one child and lead a happy life. In addition to that, she and the petitioner entered into matrimonial life and leading a problem free life except the criminal proceedings in Spl.C.C.No.20 of 2017, on the file of the Fast Track Mahila Court, Namakkal, which standing as hurdle in their life. In these circumstances unless this Hon'ble Court quash the proceedings in Spl.C.C.No.20 of 2017, on the file of Fast Track Mahila Court, Namakkal, which is against the petitioner, who is my daughter's husband now, she will be put to serious prejudice and untold hardships and their life also will be perished and in addition to that their child also will be put to serious prejudice and untold hardships and the whole family also will face huge difficulty without due care of the petitioner herein."

prosecution in Spl.C.C.No.20 of 2017 on the file of the Fast Track Mahila Court, Namakkal is hereby quashed, on condition that the 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/-
Assistant Registrar (CS-iv)

//True Copy//

Sub Assistant Registrar

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To

1.Fast Track Mahila Court,
Namakkal.

2.The Inspector of Police,
Kumarapalayam Police Station,
Namakkal.

3.The Public Prosecutor,
High Court, Madras.

4. The section officer,
Accounts section ,
High Court,
Madras.

+1CC TO MR.W.CAMYLES GANDHI ADVOCATE SR.NO. 50698

CRL.OP.No.18866 of 2018

ASK (27.07.2018)

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