

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.12.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.23265 of 2018

and

Crl.M.P.Nos.13007 & 13013 of 2018

Paramaguru

.... Petitioner/Accused

Vs.

1. The State Rep. By,
The Inspector of Police,
CBCID, Cuddalore - Post,
Cuddalore District.

2.The State Rep.By,
The Inspector of Police,
Annamalai Nagar Police Station,
Annamalai Nagar, Chidambaram,
Cuddalore - District.
(Crime No.85/2006)

3.R.Thiruvarasan

.... Respondents

(3rd respondent is impleaded as per the order of this
Hon'ble court dated 01/11/2018 made in Crl.Mp.No.14049/2018
in Crl.O.P.No.23265/2018)

Prayer: This Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records relating to the charge sheet
against the petitioner in P.R.C.No.1 of 2010 on the file of the
Judicial Magistrate No.1, Chidambaram in pursuance of the Crime
No.85 of 2006 on the file of the 2nd respondent and quash the
same.

For Petitioner : Mr.D.Veerasekaran

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor,
for R1 & R2.

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in P.R.C.No.1 of 2010, pending on the file of the Judicial Magistrate No.1, Chidambaram.

2. This petitioner has been arrayed as A1 in the final report. The 2nd respondent police, after investigation, has filed a final report as against five accused persons for the alleged offence under Sections 366 r/w 114 and 366 r/w 201 IPC. Since this petitioner was absconding, the case was split up and the trial went on as against A2 to A5. After the completion of the trial, the District Mahila Sessions Court, Cuddalore, by Judgment dated 30.07.2010, acquitted all the accused persons on the ground that the prosecution has not proved the case beyond reasonable doubts. The Court below has also taken into consideration, the evidence of PW2, who is the victim, wherein she categorically stated that she went on her own voluntariness with the petitioner and later, married to him and she was not kidnapped by the petitioner.

3. Now the petitioner is before this Court seeking for quashing the proceedings in P.R.C.No.1 of 2010 on the ground that the case has already ended in acquittal as against the other accused persons and also on the ground that the victim herself is not supporting the case of the prosecution.

4. Today, the victim viz., Suganya who was examined as PW2 was present before this Court. When this Court examined her, she stated that her date of birth is 05.10.1989. She also stated that there was a love affair between her and the petitioner herein and both of them got married on 25.03.2006. Thereafter, a male child was also born on 04.08.2013. She further stated that she is now living with the petitioner and the child at Seergazhi. The said Suganya further made a statement that it is this petitioner who had provided her with education and made her complete B.C.A. Degree and M.C.A. Degree, after the marriage and has categorically stated that she was not kidnapped by the petitioner herein. The said victim Suganya wanted the entire proceedings to be closed.

5. The petitioner is also present before this Court and he has also accepted the statements made by Suganya.

6. This Court has taken into consideration, the earlier Judgment which was passed by the District Mahila Sessions Court, Cuddalore dated 30.07.2010 wherein, the other accused persons were acquitted. This Court has also taken into consideration the statements made by the victim before this Court.

7.This Court is of the considered view that no useful purpose will be served in getting the proceedings pending before the Court below. The pendency of the proceedings, in fact, will not be in the interest of both the petitioner as well as the said Suganya. The petitioner and the said suganya are living happily with a male child at Seergazhi and therefore, the pendency of this proceedings will amount to abuse of process of this Court.

8.In the result, the proceedings in P.R.C.No.1 of 2010 on the file of the Judicial Magistrate No.1, Chidambaram is hereby quashed and accordingly, this Criminal Original Petition is allowed. The learned Counsel for the petitioner submitted that a report has been given to the immigration office about the pendency of the case and therefore, the petitioner is not in a position to freely go abroad. In view of the order passed by this Court, the petitioner is at liberty to make a representation before the concerned immigration officer and the immigration officer shall take note of this order and permit the petitioner to move freely from and into India.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate No.1,
Chidambaram.

2.The Chief Judicial Magistrate,
Cuddalore.

3. The Inspector of Police,
CBCID, Cuddalore - Post,
Cuddalore District.

4.The State Rep.By,
The Inspector of Police,
Annamalai Nagar Police Station,
Annamalai Nagar, Chidambaram,
Cuddalore - District.
(Crime No.85/2006)

5.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.D.Veerasekaran, Advocate sr.no.82779

Crl.O.P.No.23265 of 2018
and
Crl.M.P.Nos.13013 & 13007 of 2018

rv(co)
nr 13/12/2018



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