

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2018

CORAM:

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

Crl.O.P.No.23374 of 2018
and Crl.M.P.No.13076 of 2018

R.Suman

.. Petitioner

vs.

1.The State

Rep by Inspector of Police
Vaduvoor Police Station
Vaduvoor, Thiruvavur.

2.Amutha

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the crime no.114 of 2018 on the file of the 1st respondent and quash the same.

For Petitioner Mr.K.C.Pannerselvam

For R1 Mrs.M.Prabhavathi
Additional Public Prosecutor

For R2 Mr.S.Joel

ORDER

This petition has been filed to call for the records pertaining to crime no.114 of 2018 on the file of the 1st respondent and quash the same.

2. On the complaint lodged by Amutha, the first respondent police have registered a case in Cr.No.114 of 2018 on 13.08.2018 under Section 366-A IPC against Suman and two others, for quashing which, this petition has been filed.

3. Today, Mr.K.Thangamadhavan, Sub-Inspector of Police, Vaduvoor Police Station is present.

4. On a reading of the FIR it is seen that Amutha, the de facto complainant has alleged that her daughter Vijayalakshmi aged about 17 years was kidnapped from her lawful custody by the accused in the early hours of 11.08.2018. Hence, the complaint and the FIR.

5. The accused has filed this quash application on the short ground that Vijayalakshmi was 17 1/2 years old when she came away on her own volition and that after she attained the age of 18, he has married her and is now living with her as man and wife.

6. On notice, the de facto complainant has entered appearance and the learned counsel for the de facto complainant submitted that as on the date when the kidnapping took place, Vijayalakshmi was a minor and therefore, the FIR cannot be quashed.

7. Vijayalakshmi and Suman [accused], who are present before this Court stated that they have got married on 16.09.2018 in the presence of the family members of Suman.

8. Though the victim girl has subsequently married the accused, that cannot be a good reason for this Court to quash the FIR at the threshold, when as on the date of the incident, the victim girl was a minor. If this Court shows indulgence to the accused, it will be setting a wrong precedent.

Accordingly, this petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
Vaduvoor Police Station
Vaduvoor, Thiruvavur.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. K.C. Panner Selvam, Advocate SR.72298

(CS-DR)
EU(02/11/2018)

Cr1.O.P.No.23374 of 2018