

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.No.23602 of 2018

Sathyaraj

.. Petitioner

Vs

1. State Rep. by
Inspector of Police,
H-5, New Washermenpet Police Station,
New Washermenpet,
Chennai - 600 081.

2. Mumthaj

3. State Rep. by
Inspector of Police,
W-14, All Women Police Station,
Thiruvotriyur,
Chennai.

.. Respondents

[R3 is impleaded as per the order of this Court
dated 10.10.2018 made in Crl.M.P.13587 of 2018
in Crl.O.P.23602 of 2018]

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records in Crime No.587 of 2016 on the
file of the 1st respondent, the Inspector of Police, H-5, New
Washermenpet Police Station, Chennai - 600 081 for the
offences under Section 365 IPC and Section 4 of POCSO Act,
2012 and quash the same.

For Petitioner : Mr.C.Dhayashankar

For R1 and R3 : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call
for the records in Crime No.587 of 2016 on the file of the
Inspector of Police, H-5, New Washermenpet Police Station,
Chennai - 600 081, the 1st respondent herein, for the offences
under Section 365 IPC and Section 4 of the Protection of
Children from Sexual Offences Act, 2012 (for brevity 'the
POCSO Act') and quash the same.

2. For the sake of convenience, the parties will be referred to by their name.

3. One Sharmila Banu, aged about 17 years, went missing on 06.06.2016 and therefore, on the complaint given by her mother Mumthaj, a case in New Washermenpet Police Station Crime No.587 of 2016 was registered on 07.06.2016 as "Girl missing". Thereafter, the case was transferred to the file of W-14, All Women Police Station, Thiruvotriyur, Chennai, the 3rd respondent herein, and the FIR was altered by including Section 365 IPC and Section 4 of the POCSO Act. In the altered FIR, Sathyaraj was shown as accused.

4. Now, this quash application has been filed on the ground that Sathyaraj has got married to Sharmila Banu on 08.09.2016, after Sharmila Banu attained the age of majority. The couple also have a child aged about a year.

5. Today, Sathyaraj, Sharmila Banu and Mumthaj (mother of Sharmila Banu) are present, who are all identified by Ms.G.Vanitha, Women Head Constable (18094), W-14, All Women Police Station, Thiruvotriyur, Chennai, who is also present before this Court.

6. A joint compromise memo signed by Sathyaraj and Mumthaj dated 20.09.2018, has been filed wherein, in Para No.2, they have stated as follows :

"2.The petitioner and the 2nd Respondent/Defacto-complainant further submits that later both the parents of the petitioner and victim girl M/s.Sharmila Banu (Defacto-complainant's daughter) had accepted their love and decided to solemnize marriage and thereby on 08.09.2016 the marriage has been solemnized between the Petitioner/Accused and victim girl M/s.Sharmila Banu and the same was registered before the Sub-Registrar office, Royapuram, Chennai and they had blessed with a female child namely Miss.Dhiya aged about 1 year. So now the 2nd Respondent/Defacto-complainant had become compromised and they had settled the issues amicably between themselves and the Defacto-complainant also do not want to proceed further in the above matter."

7. In view of the above, the FIR in New Washermenpet Police Station Crime No.587 of 2016, which has been transferred to W-14, All Women Police Station, against the accused, stands quashed, and as a sequel, this Criminal Original Petition is allowed on condition that the accused shall pay a sum of Rs.1,000/- as costs 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 VI)

//True Copy//

Sub Assistant Registrar

mkn/ssr

To

1. The Inspector of Police,
H-5, New Washermenpet Police Station,
New Washermenpet,
Chennai - 600 081.
2. The Inspector of Police,
W-14, All Women Police Station,
Thiruvotriyur,
Chennai.
3. The Section Officer,
Accounts Section,
High Court of Madras,
Chennai 600 104.
4. The Public Prosecutor,
High Court, Madras.

sm:12.11.2018

Cr1.O.P.No.23602 of 2018

सत्यमेव जयते

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