

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.23133 of 2018
and
Crl.M.P.No.12909 of 2018

1.Honest Raj
2.Dhinakaran

.. Petitioners

. Vs .

1.State rep.by The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.

(Crime No.130/16)

2.G.Selvi

3.Aruna

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and Quash all the proceedings in Spl.C.C.No.13 of 2018, on the file of the Sessions Judge, Fast Track Mahila Court, Namakkal, against the petitioners.

For Petitioner : Mr.B.Vasudevan

For Respondents: Mr.M.Mohamed Riyaz, APP for R 1
Mr.V.Balaji for R 2 & R 3

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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Special C.C.No.13 of 2018, pending on the file of the Sessions Judge, Fast Track Mahila Court, Namakkal, on the ground of compromise between the parties.

2.Based on the Complaint given by the 2nd respondent, the

1st respondent Police registered an FIR in Crime No.130 of 2016, for an offence under Section 366 of IPC. The investigation was conducted and a Final Report has been filed, and the same has been taken cognizance by the Court below for an offence under Section 366, 366 (A) IPC and Section 9 of Prohibition of Child Marriage Act, 2006 and Section 5(i) and 6 of Protection of Child from Sexual Offences [POCSO] Act.

3.The victim was present before this Court. This Court examined her and she stated that she was in love with the 1st petitioner and they have also married and the same was registered before the concerned marriage registrar on 06.06.2016. The victim girl also stated that now it has been decided to dissolve the marriage and it is not possible for the parties to any longer live together. She further submitted that she has to take care of her own future and she has to continue with her studies. Therefore, she stated that the entire proceedings may be closed.

4.The mother of the victim girl, who is the de-facto Complainant, was also present before the Court. She also categorically stated that the proceedings before the Court below may be closed since the parties have reached a settlement and no useful purpose will be served by keeping the proceedings pending.

5.A Joint Memo has been filed by both the parties and the same has also been signed by the respective counsel. The victim girl has also filed an independent affidavit reiterating her stand and the same is also taken on file.

6.In the facts and circumstances of the case, this Court is of the considered view that no useful purpose will be served in keeping the proceedings pending before the Court below. The statement made by the victim girl and her mother and also the affidavit filed by the victim girl, makes it clear that there was a love affair between the victim girl and the 1st petitioner and later it has broken. The offence in question even though is non compoundable, the facts of the case squarely falls within the guidelines given by the Hon'ble Supreme Court reported in [2017 9 SCC 641] - Parbathbhai Aahir @ Parbathbhai Vs. State of Guj Rath.

7.In the result, the proceedings in Spl.C.C.No.13 of 2018, pending on the file of the Sessions Judge, Fast Track Mahila

Court, Namakkal, is hereby quashed. Accordingly, the Criminal Original Petition is allowed on the ground of compromise. Consequently, the connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

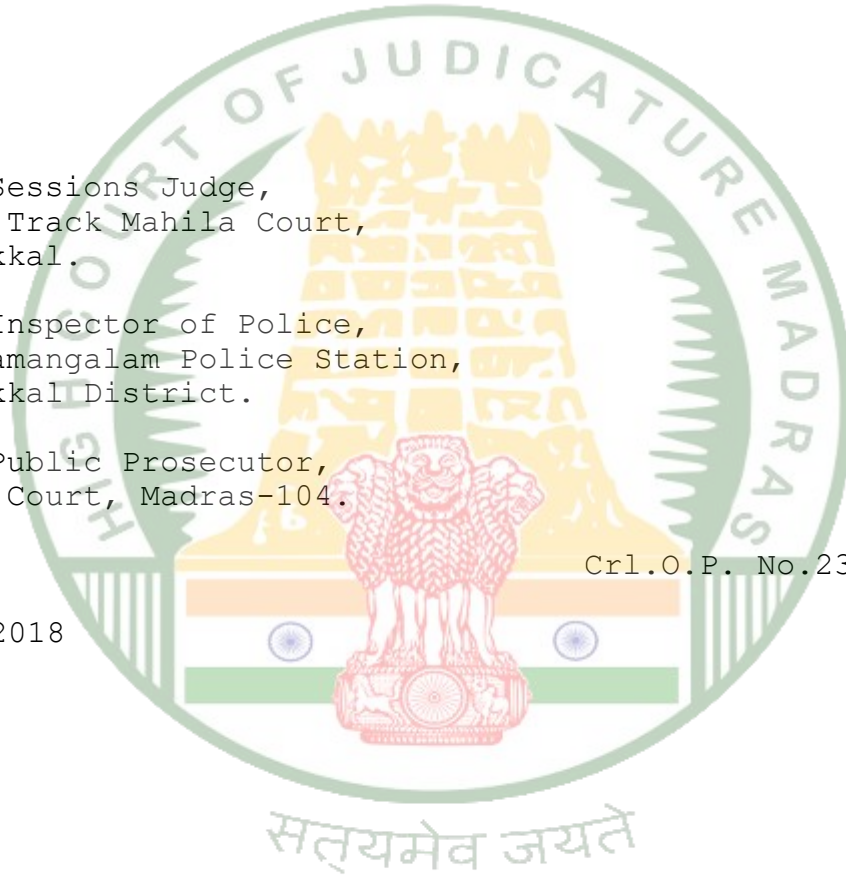
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To

1. The Sessions Judge,
Fast Track Mahila Court,
Namakkal.
2. The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras-104.

Crl.O.P. No.23133 of 2018

CS/10/12/2018



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