

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.24921 of 2018

S.Agilan @ Anand

...Petitioner

Vs.

1. The State,
Rep by The Inspector of Police,
Rasipuram Police Station,
Namakkal.
(Crime No.349 of 2015)

2.Srinivasan

3.S.Thamaraiselvi.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C to quash the Spl.C.C.No.1 of 2016, on the file of Fast Track Mahila Court, Namakkal in Crime No.349 of 2015, on the file of the Respondent Police, registered for the alleged offences under Section 366(A) of IPC & 3 r/w 4, 5(L) r/w 6, 13 r/w. 14 of POCSO Act, 2012, based on the information by the 2nd respondent herein.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent 1 : Mr.C.Raghavan

Government Advocate (Cr1.Side)

O R D E R

This petition has been filed to quash the Spl.C.C.No.1 of 2016, on the file of Fast Track Mahila Court, Namakkal in Crime No.349 of 2015, on the file of the Respondent Police, registered for the alleged offences under Section 366(A) of IPC & 3 r/w 4, 5(L) r/w 6, 13 r/w. 14 of POCSO Act, 2012, based on the information by the 2nd respondent herein.

2. On 17.09.2015, Tamaraiselvi, aged around 16 years, went missing and therefore, on the complaint given by her father Srinivasan, the first respondent police registered a case in Crime No.349 of 2015 for "girl missing". During the course of

investigation it came to light that Agilan@Anand had taken her with him, since they were in love with each other. The police arrested Agilan @ Anand and secured Tamaraiselvi. After completing the investigation, the police filed a charge sheet in Spl.C.C.No.1 of 2016 before the Fast Track Mahila Court, Namakkal, for the offence under Section 366(A) of IPC & Sections 4 & 5 of the Pocso Act against Agilan (a) Anand[A1] and Venkatachalam[A2]. It appears that Venkatachalam [A2] died during trial some time in the year 2017. Trial began with the examination of witnesses and at this juncture, this petition has been filed for quashing the prosecution on the ground that the parties have arrived at a compromise.

3. Today, Agilan @ Anand, Tamaraiselvi and her parents Srinivasan & Baby are present and they are identified by Mr.P.Subramaniam, Sub Inspector of Police, Rasipuram Police Station.

This Court enquired with them in Camera and learnt that their daughter Tamaraiselvi was in love with Agilan (a) Anand and that she had gone on her volition with him to get married. They further stated that they got married on 20.06.2017 after Tamaraiselvi attained the age of majority and that, they have a son. The parents stated that they have all reconciled and their daughter and son-in-law are now living together happily and they also prayed for quashment of the prosecution.

4.Tamaraiselvi has filed an affidavit dated 23.10.2018, wherein, she has stated as follows:-

" 3. I state that after attaining the Majority the petitioner married me on 20.06.2017. In addition to that, we both of us entered into marital journey and leading a problem free life except the criminal proceedings in Spl.C.C.No.1 of 2016, on the file of Fast Track Mahila Court, Namakkal, which standing as an obstacle in our life. In these circumstances unless this Hon'ble Court quash the proceedings in Spl.C.C.No.1 of 2016, 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."

In view of the above, this petition is allowed.

5. This Court also perused the 164 Cr.P.C. statement of Tamaraiselvi that was recorded by the learned Judicial Magistrate, Tiruchengode on 27.10.2015, wherein, she has stated that she was in love with the accused and had gone on her own

volition with him.

6. In such view of the matter, though the trial in the case has begun, no useful purpose will be served by keeping the same pending in the light of the aforesaid developments.

In the result, this petition is allowed and the proceedings in Spl.C.C.No.1 of 2016, on the file of Fast Track Mahila Court, Namakkal is hereby quashed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Registrar, Fast Track Court
Namakkal.
2. The Inspector of Police,
J6, Thiruvanniyur Police Station,
Thiruvanniyur,
Chennai - 600 041.
3. The Public Prosecutor
High Court, Madras.

Cr1.O.P.No.24921 of 2018

SP(09/11/2018)

सत्यमेव जयते

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