IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.12.2018
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.No.28709 of 2018

Maharajan

...Petitioner/Accused

-Vs-

1.The Inspector of Police,
W-8, Thirumangalam All Women Police Station,
Chennai.
(Cr.No.1634 of 2017)

2.Rajeswari

... Respondents/Defacto Complaint

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records and quash the same in S.C.No.344 of 2018 on the file of the Mahila Court, Chennai against the petitioner.

For Petitioner: Mr.A.T.Anbu Kumar
For R1: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the proceedings in S.C.No.344 of 2018, pending on the file of the Mahila Court, Chennai.

2. The second respondent have given a complaint to the respondent police stating that her daughter Mahalakshmi is missing and therefore the respondent police registered an FIR in Crime No.1634 of 2017 as a girl missing case. Subsequently, on investigation, the respondent police found that Mahalakshmi was living with the petitioner at that point of time. The FIR was altered for an offence under Section 4 and 6 of POCSO Act.

3. The victim girl was examined by the Court below and statement was taken under Section 164 of Cr.P.C. The victim girl had clearly stated that she fell in love with the petitioner and was living with him. The respondent police completed the investigation and filed a final report before the Court below and the same was taken on file in S.C.No.344 of 2018.

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4. The second respondent's daughter gave birth to a child on 22.02.2018. In the mean time, both the families decided to put an end to the pending case and support the petitioner and the second respondent's daughter to lead a peaceful married life.

5. The victim girl was present before the Court along with the child. She made a categorical statement that she was born on 18.07.2000 and she has attained majority. She further stated that she married the petitioner out of love and affection and she was not compelled by the petitioner to marry him. She further stated that there is a male child out of the marriage and continuance of the criminal proceedings will unnecessarily affect the future of the petitioner, victim girl, as well as the child. In order to substantiate the date of birth, the victim girl produced the birth certificate issued by Tiruppur Municipality, Tiruppur, wherein, the date of birth of the petitioner is shown as 18.07.2000.

6. The mother of the victim girl, namely the second respondent is also present before this Court. She also stated that her daughter has happily settled down with the petitioner and therefore, she does not want to further prosecute this case.

7. The petitioner was also present before this Court and he has stated that he is happily living with his wife and child at No.23, EVK Nagar, Jaihindpuram, Madurai District and the parents belonging to both the families have accepted this marriage.

8. It is clear from the above that no useful purpose of served by keeping the proceedings pending before the Court below. It will not be in the interest of any of the parties to keep the proceedings pending. Even though, the offence in question is non compoundable in nature, this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. can interfere with the same in accordance with the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641- (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath). This Court is of the considered view that the proceedings will have to be quashed.

9. In the result, the proceedings in S.C.No.344 of 2018 on the file of the Mahila Court, Chennai, is hereby quashed and the Criminal Original Petition is allowed on the basis of the compromise arrived at between the parties.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

LPP/vsa

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To

1.The Inspector of Police,
W-8, Thirumangalam All Women Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+3 cc to Mr.A.T.Anbu Kumar, Advocate, S.R.No.85286

Crl.O.P.No.28709 of 2018

VGII(CO)
GSP(24/12/2018)

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