



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl OP(MD)No.1270 of 2017

and

CrlMP(MD)Nos.1063 and 1064 of 2017

Arumugasamy

... Petitioner/2nd Accused

Vs.

1.The State,
Through The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.
[Crime No.350 of 2008]

2.Balan

...Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the charges sheet in P.R.C No.3 of 2011 on the file of the Judicial Magistrate Ambasamuthiram, Tirunelveli District against the Petitioner for the alleged offences u/s. 366(A) IPC r/w 109 IPC and 376 R/w109 IPC and quash the same.

For Petitioner	: Mr.A.Haja Mohideen
For Respondent No.1	: Mr.K.Suyambulinga Bharathi, Government Advocate (Crl Side)
For Respondent No.2	: Mr.K.Muhamed Ibrahim

ORDER

This petition has been filed seeking to quash the FIR in P.R.C No.3 of 2011, pending on the file of the Judicial Magistrate, Ambasamuthiram.

2.The Petitioner before this Court is A-2. It is seen from records that the second respondent had given a complaint to the first respondent on the ground that his daughter is missing and she has not returned home from School. Even this complaint was given on 26.11.2008. The respondent Police have registered an FIR in Crime No.350 of 2008 for the alleged offence under Section 366A against Chellakili. It seems that the *de facto* complainant's daughter and A-1 had an affair and as a result of which, both of them had eloped. Subsequently, the second respondent's daughter was traced and handed over to the second respondent.



3.The first respondent thereafter investigated the case and filed a final report against three persons for the alleged offence under Section 366A, 376 and 212 of IPC r/w 109 of IPC. This final report was taken on file by the learned Judicial Magistrate, Ambasamuthiram in PRC No.3 of 2011. Challenging the same, the present petition has been filed by the petitioner/A-2 to quash the proceedings.

4.When the matter came up for hearing during the last occasion, this Court had directed the respondent and A-1 to be present in Court. Today both of them were present in Court.

5.This Court personally enquired the *de facto* complainant about the case. The *de facto* complainant has stated that his daughter who was a minor had a relationship with A-1 and subsequently, she got out of the relationship and thereafter she was sent to Chennai for studies. She has excelled well in studies and is presently doing Ph.D. Therefore, the second respondent categorically made a statement before this Court that he does not want to proceed further with the case any more. He wants to take care of this daughter and help her in completing her Ph.D and arrange for a bright future for her. Therefore, the second respondent told this Court that at this point of time, he does not want to expose his daughter to any Court proceedings.

6.This Court also examined A-1, who told this Court that there was indeed a relationship, but however, later it was discontinued. Now A-1 is taking care of his own life.

7.Taking into consideration of the facts and circumstances of the case, this Court is of the considered view that no purpose will be served in keeping the proceedings pending. The entire dispute arose due to some infatuation that was developed between the second respondent's daughter and A-1. Now that relationship has come to an end and the second respondent's daughter has gone to the extent of pursuing her Ph.D, keeping this proceeding pending will not be in the interest of parties.

8.In view of the above, PRC No.3 of 2011, pending on the file of the Judicial Magistrate, Ambasamuthiram is hereby quashed. Accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar (CS-IV)



To

1.The Judicial Magistrate,
Ambasamuthiram,
Tirunelveli District.

2.The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC To MR.A.HAJA MOHIDEEN, Advocate SR. NO.88599

+1 CC To MR.K.MUHAMAD IBRAHIM, Advocate SR. NO. 88600

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DSK

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