

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.1796 of 2019

Sivapriyan

... Petitioner

Vs.

1.State rep. by

The Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar, Chennai.

2.N.K.Nagesh

... Respondents

Prayer: Criminal Original petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the proceedings in S.C.No.46 of 2017, pending trial on the file of the learned Mahila Court, Chennai and quash the same based on the compromise arrived at between the petitioner and the PW1 alleged victim girl.

For Petitioner : Mr.K.Selvakumaraswami

For Respondent 1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For Respondent 2 : Mr.N.Baskaran

O R D E R

This petition has been filed seeking to quash the proceedings in S.C.No.46 of 2017. A final report was filed by the respondent police for offence under Sections 363 and 366 of Indian Penal Code and Section 6 of Protection of Children from Sexual Offence Act 2012, based on the complaint given by the second respondent, who is the father of the victim.

2. It was brought to the notice of this Court that the victim herself had gone voluntarily with the petitioner and there was no kidnapping in this case. This Court, therefore, directed the victim namely N.Swetha to appear before this Court.

3. Today, the victim appeared before this Court and stated that she had voluntarily gone with the petitioner and she was not kidnapped. The victim also filed an affidavit before the Court stating that there has been compromise between the parties and there is no need to proceed further with the case before the learned Mahila Court, Chennai. The affidavit filed by the victim is taken on record.

4. The petitioner was also present before this Court and he submitted that the victim girl is known to him and he never kidnapped the victim girl. The petitioner further submitted that he is working in IT company.

5. It is also seen from the 164 statement recorded by the learned Magistrate that the victim had categorically stated that she voluntarily went with the petitioner and married him and was living with him.

6. In view of the above, no useful purpose will be served in prosecuting the case, which is pending before the Court below. The continuation of the proceedings will not be in the interest of both the petitioner as well as the victim.

7. The petitioner is directed to pay a sum of Rs.5,000/- towards cost in favour of the Chief Justice relief fund within a period of one week from the date of receipt of a copy of this order.

8. In the result, the proceedings in S.C.No.46 of 2017, on the file of the learned Mahila Court, Chennai, is hereby quashed and this criminal original petition stands allowed, based on the compromise arrived at between the parties.

Sd/-
Assistant Registrar(J)

//True Copy//

nmm/dss

Sub Assistant Registrar

To

1. The Mahila Court, Chennai

2. The Section Officer, Accounts Section, High Court, Madras

3. The Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar, Chennai.

4. The Public Prosecutor,
Madras High Court.

+1 cc to Mr.N.Baaskaran, Advocate, S.R.No.8304

+2 ccs to Mr.A.Balamurugan, Advocate, S.R.No.8079

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SSM(18/02/2019)