



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.[MD].No.241 of 2019

and

Crl.M.P(MD)Nos.96 & 97 of 2019

S.Anandaraj

... Petitioner/Sole Accused

vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Vilathikulam,
Tuticorin District.
(Crime No.73 of 2016)

...Respondent/Complainant

2.C.Ravi

...Respondent No.2/
Defacto Complainant

3.XXXXXXXXXX

... Respondent No.3/
Victim Girl

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the Charge Sheet in Special S.C.No.32 of 2016, on the file of the learned Sessions Judge, Fast Track Mahila Court, Tuticorin in First Information Report in Crime No.73 of 2016, dated 11.04.2016 for the offences under Sections Girl Missing @ 363 of I.P.C and 5(1) r/w 6 of POCSO Act and 3(1)(W)(i) of Scheduled Caste Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 registered by the Respondent No.1 and quash the same as illegal.

For Petitioner : Mr.T.Thirumurugan

For R1 : Mr.A.Robinson,
Government Advocate (Crl.side)

For R2 & R3 : Mr.A.Kalidoss

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Special S.C.No.32 of 2016, on the file of the learned Sessions Judge, Fast Track Mahila Court, Tuticorin, for the alleged offences under Section Girl Missing @ 363 of I.P.C and 5(1) r/w 6 of POCSO Act and 3(1)(W)(i) of Scheduled Caste Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Registry is directed to hide the name of the third

respondent/victim girl.

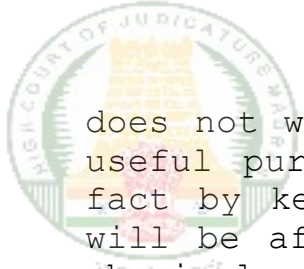
3. The learned counsel for the petitioner would submit that the case of love affair and elopement has been falsely projected as a case of physical abuse. He would submit that the petitioner as well as the victim girl were living nearby and known to each other and that they have eloped, without the knowledge of their parents. Aggrieved by the same, the father of the victim girl, who is the 2nd respondent herein had filed a complaint as if, that the petitioner physically abused the victim girl. He would further submit that the incident had happened, when the petitioner as well as the victim girl were young and that they were immature at the time of incident. They have eloped without understanding the consequences and he would further submit that the petitioner as well as the victim girl want to proceed further in their life and that they have compromised the matter. Now, the victim girl is married to yet another person and having a happy married life and that she also does not want to proceed with this case, so as to avoid unnecessary disturbances in her married life.

4. In this case, it is seen that the 3rd respondent/victim girl, who is the daughter of the second respondent/defacto complainant and the petitioner had a liking to each other for some time and they have eloped without the knowledge of their parents and later they have been brought back. During this point of time, a complaint was given to the effect that the petitioner had sexual intercourse with the victim.

5. The learned counsel appearing for the defacto complainant/second respondent would submit that the incident had occurred when the victim was 17 years and that he would submit that it was a case of love affair and elopement. The victim is also present before this Court and she would submit that both herself and the petitioner were young and immature at the time of the incident and that it had happened due to infatuation and she does not want to blame anybody and that she is now married to yet another person and she is having a happy married life. If the case is kept pending and she is asked to appear for trial, it would affect the future of her family life.

6. The petitioner and the second respondent and the victim girl were also present in person before this Court and they were identified by the The Inspector of Police, All Women Police Station, Vilathikulam, this Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves.

7. Under normal circumstances, this Court would not have ~~compromised~~ compromise between the parties in a case registered under the POCSO Act. However, in the facts and circumstances of the case, it is seen that the defacto complainant



does not want to blame anybody for the incident and therefore, no useful purpose will be served by keeping the case pending. In fact by keeping the case pending, the family life of the victim will be affected, since marriage has already been solemnized and she is leading a new life with her husband.

8. Taking into consideration the age of the petitioner and the defacto complainant and also their future life, this Court is satisfied that the powers under Section 482 of Cr.P.C., can be invoked in the interest of justice, to quash the final report which is pending in Spl.S.C.No.32 of 2016 on the file of the learned Sessions Judge, Fast Track Mahila Court, Thoothukudi. This is an exceptional case and this case cannot be cited as a precedent for any future cases and the decision has been taken by this Court only based on the facts of this case.

9. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.32 of 2016, on the file of the learned Sessions Judge, Fast Track Mahila Court, Thoothukudi, is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sessions Judge, Fast Track Mahila Court,
Thoothukudi

2. The Inspector of Police,
All Women Police Station,
Vilathikulam,
Tuticorin District.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-43867[F] dated
31/01/2019)
AM/JER

Cr1.O.P. [MD] .No.241 of 2019
31.01.2019