



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.[MD]No.325 of 2019

and

Crl.M.P.[MD]No.147 of 2019

Balachandar : Petitioner/Accused No.1

Vs.

1.The Inspector of Police,
Melur Police Station,
Madurai District. : 1st Respondent/ Complainant

2.Vasuki : 2nd Respondent/De-facto
Complainant

3.Muthulakshmi @ Padma : 3rd Respondent/Victim

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.536 of 2018 on the file of the first respondent herein and quash the same as illegal so far as petitioner's concern.

For Petitioner	: Mr.S.Venkatraman
For 1 st Respondent	: Mr.V.Neelkandan Additional Public Prosecutor
For 2 nd Respondent	: Mr.K.Suresh
For 3 rd Respondent	: Mr.Joseph Jerry

ORDER

The present petition is filed to compound the offence in Crime No.536 of 2018.

2.The primary allegation is that the second respondent, who is the mother of the third respondent/victim has preferred a complaint to the police that the third respondent had been abducted by the accused along with a two wheeler, which stands in the name of the third respondent.

3.Today, both the petitioner and the third respondent had appeared before this Court. The third respondent, aged about 34 years and having two children, has made a statement that none had abducted her and that she, on her own decision, came out from the care of second respondent, whose counsel though vehemently submitted that the second respondent does not consent to the compounding of the offences now attempted.

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

4.Heard the learned Government Advocate(Crl.side) appearing for the first respondent police.



5.As rightly indicated, the alleged victim of the offence is aged about 34 years. When she made a statement that the petitioner had not abducted her, the second respondent, who is the mother of the third respondent has no locus to oppose. This Court has perused the materials, which show her anxiety. The copy of the registration certificate of the vehicle is produced before this Court, which would show that the two wheeler stands in the name of the third respondent. The learned counsel for the petitioner submitted that the monthly EMI is paid by the second respondent/mother. But inasmuch as the Certificate of Registration stands in the name of the third respondent, this matter cannot be resolved here.

6.In the result, this Criminal Original Petition stands allowed and the FIR in Crime No.536 of 2018 on the file of the first respondent is hereby quashed insofar as the petitioner is concerned. Consequently, the connected Cr1.M.P.[MD]No.147 of 2019 is closed.

sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Melur Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.A.JOSEPH JERRY, Advocate (SR-55851[F] dated 22/03/2019)

+1 CC to Mr.S.VENKATRAMAN, Advocate (SR-55852[F] dated 22/03/2019)

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and
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