



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P. (MD)No.11528 of 2019

and

CrI.M.P (MD)No.7230 of 2019

WEB COPY

1.Muthukumar
2.K.Devarajan

... Petitioners/Accused Nos. 1 & 2

-Vs-

1.State rep by
The Sub-Inspector of Police,
Kalaiyarkovil Police Station,
Kalaiyarkovil,
Sivagangai District.
In Crime No.707 of 2018. ... 1st Respondent/Complainant

2.K.Pandi ... 2nd Respondent/Defacto
complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the Crime No.707 of 2018 on the file of the first respondent, quash the same.

For Petitioner : Mr.D.Anbarasu

For R1 : Mr.R.Suyambulinga Bharathi
Government Advocate (CrI.Side)

O R D E R

This Criminal Original Petition has been filed to quash the Crime No.707 of 2018 on the file of the first respondent.

2. It is seen that on the complaint lodged by the second respondent, a case has been registered in Crime No.707 of 2018 for the offence under Sections 448, 294 (b), 363 and 506 (2) of IPC. In the said complaint, it is alleged by that on 15.11.2018, the petitioners' family came to the defacto complainant's house and demanded him to marry her daughter to the first petitioner and when he refused the same, the petitioners kidnapped her daughter. Thereafter, it is seen that the second respondent filed a Petition before this Court in H.C.P.(MD)No.1750/2018 and during the enquiry, the victim girl has categorically stated before this Court that she left her parents house and married the first petitioner herein and



now, they are living together happily. Based on the said statement, the Habeas Corpus Petition was closed.

3. Now, before this Court, the first petitioner and the victim girl Viz., the daughter of the second respondent filed a joint compromise memo before this Court and stating as follows:-

"I am the daughter of the second respondent and the victim in the above said petition and we filed this affidavit jointly before this Hon'ble Court.

1) We submit that, we are having the love and affair and the second respondent was not accepted our relationship and on 15.18.2018, we informed to the second respondent and on won accord left out the house and got married of the elders of 2nd respondent's family members. Subsequently, the said marriage was registered before the Registrar of marriages Velipattinam on 28.11.2018 and now we are living peacefully without any hindrance and lead a matrimonial life on the support of the 2nd respondent's family members. "

4. It is grievance of the petitioners that the second respondent is not ready to accept the marriage and therefore, he did not allow them live happily.

5. Considering the above facts and circumstances and in view of joint compromise memo having been filed, the pendency of the FIR would not serve any purpose since the victim girl was not kidnapped by the petitioners and she herself left her parents house and married the first petitioner. Now, she is living happily with the first petitioner.

6. With the above facts and circumstances, the investigation in Crime No.707 of 2018 on the file of the first respondent is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

dss



1. The Sub-Inspector of Police,
Kalaiyarkovil Police Station,
Kalaiyarkovil,
Sivagangai District.

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

+1CC TO MR.D.ANBARASU, Advocate Sr. No. 91282

Cr1.O.P. (MD) No. 11528 of 2019
and
Cr1.M.P (MD) No. 7230 of 2019
01.10.2019

SV2 (CO)
TR (30.10.2019) 3P 4C