

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5457 of 2020

and

Crl.M.P.No.3100 of 2020

1.P.Ajith

2.P.Uma

3.A.Pazhanisamy

4.R.Kabil

5.R.Subash

6.R.Chandrabose

7.R.Sarathukumar

....Petitioners

Vs.

1.The state Rep. By

The Inspector of Police,
Keezhkuppam Police Station,
Villupuram District.

2.Panjalai

....Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., praying, to call for the entire records connected with FIR in Cr.No.357 of 2019 pending investigation on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.G.Balamananikandan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

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ORDER

This Criminal Original Petition has been filed to quash the F.I.R. in Crime No.357 of 2019 registered by the first respondent police under Sections 366A, 294(b) and 506(i) of I.P.C. r/w Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 10 of the Prohibition of Child Marriage Act, 2006, as against the petitioners.

2. The second respondent herein lodged a complaint alleging that, her daughter aged about 19 years was missing, from 29.10.2019 onwards. Thereafter, she heard that the first petitioner herein has kidnapped her. Hence, she filed the complaint. Now, the first petitioner is aged about 24 years and the victim girl is aged about 19 years and they got married. After their marriage, they are living together happily in the house of the first petitioner. They also got registered their marriage and marriage registration certificate has been produced before this Court. The second accused, namely the mother of the first accused also filed an affidavit stating as follows:-

"(i) I state that my son viz., P.Ajith (1st Petitioner) got married the 2nd Respondent's daughter viz., S.Vasugi on 03.11.2019 at Pavithiram Sri Murugan Koil, Pavithiram, Thiruvannamalai. The said marriage was duly registered at the office of the Joint Sub Registrar-I, Thiruvannamalai in Serial No.TMR/Thiruvannamalai Joint I/311/2019 on 15.11.2019. Since we are belonging to Adi-dravida caste, the 2nd Respondent, who belongs to Vanniyar Caste lodged a complaint as if her daughter was a minor and my son and other petitioners abducted her. The Respondent Police also registered a FIR Crime No.357/2019 under Sections 366A, 294(b) & 506(i) of I.P.C r/w Section 4 of the Protection of Children from Sexual Offences Act, 2012 & Section 10 of the Prohibition of Child Marriage Act, 2006.

(ii) I state that subsequent to marriage, my son and my daughter-in-law are leading matrimonial life as joint family with us. However, due to life threaten made by the 2nd Respondent's family we are living at Kerala.

(iii) I undertake that being a mother-in-law, I am taking care of my daughter-in-law viz., S.Vasugi for her studies, who has been studying II Year B.Sc., Nursing in a Private College and also I would assist and advise them for leading a peaceful and meaningful matrimonial life without any usual misunderstanding of matrimonial life."

3. Today, the victim girl, namely S.Vasugi aged about 19 years also present before this Court and she stated that she got married with the first petitioner herein and living together happily. She is also pursuing her studies.

4. Considering the facts and circumstances of this case, the pendency of the First Information Report, would create hindrance to the victim girl and the first petitioner herein and since they got married and living together happily, the F.I.R. in Crime No.357 of 2019 pending on the file of the first respondent police, is quashed.

5. Accordingly, this criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dm

To

1.The Inspector of Police,
Keezhkuppam Police Station,
Villupuram District.

2.The Additional Public Prosecutor,
High Court,
Madras.

+1cc to Mr.G.Bala Manikandan, Advocate, S.R.No.23774

सत्यमेव जयते

Cr1.O.P.No.5457 of 2020
and Cr1.M.P.No.3100 of 2020

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KS (CO)
RN (09/06/2020)



सत्यमेव जयते

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