

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.5667 of 2020

K.Maruvarasan

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District,
(Crime No. 15 of 2019).

2. Silpa

.... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records and to quash FIR in Crime No.15 of 2019, on the file of the Inspector of Police, All women Police Station, Pollachi, Coimbatore District, against the petitioner.

For Petitioner : Mr.R.Raghu Raj

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

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.15 of 2019 dated 23.07.2019 on the file of the first respondent for the offences under Sections 376(2)(1), 5(j)(ii), 5(n), 5(p) and 6 of POCSO Act, as against the petitioner.

2. It is seen from records that F.I.R. was registered in Crime No.15 of 2019 against the petitioner for an offence under Sections 376(2)(1), 5(j)(ii), 5(n), 5(p) and 6 of POCSO Act, based on the complaint lodged by the second respondent herein.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

4. It is seen from the affidavit filed by the second respondent/defacto complainant that the matter has been settled between them. And it is relevant to extract affidavit filed by

the second respondent as follows:

"I state that my statement viz., Silpa dated 24.04.2019 is that I am residing at Palakkad along with my parents and my brothers and I am waiting my +2 Board Examination result. My father's native place is Pollachi and I know the petitioner from my childhood, since he is my aunty's son. The petitioner is often coming to our house at Thenkurissi from his childhood and we are also visiting his house at Pollachi. We are loving each other for the last two years. In the year, 2018, during Onam Vacation I went to petitioner's house along with my brother and my sister. The petitioner house is situated near to my father's house at Pollachi. After reaching there, two days later we had our first sexual intercourse at the petitioner's house and he often says and promised me that he will marry me.

4 I further stated that thereafter, the petitioner came to our house at Thenkurissi, Palakkad several times. The last month only I realized that I am pregnant and I informed this matter to the petitioner, he said that he will come to my house and talk to my parents about the marriage. But, I inform him to discuss the matter to them only after my +2 Board Exam. Before 15 days of my statement, my mother knew about his matter. Due to the scarcity of money we did not go to hospital. On 24.04.219 early morning due to bleeding, I was admitted in Women and Child Hospital, Palakkad and at about 01.13 p.m., I gave birth to a girl Baby. Still I am continuing my treatment at hospital. I love the petitioner and he also loves me.

5 I state that my close relatives, friends of both sides families are advised us, for which I and the petitioner got married and now I am living with the petitioner along with my daughter in the above mentioned address. My paramount consideration is that welfare of my daughter and her future. Hence, I have decided to resolve the issue amicably and not pressing any of the allegations. I am willing to compound the offence with my husband/petitioner."

6. Considering the facts and circumstances of the case, the proceedings in F.I.R. In Crime No.15 of 2019, dated 23.07.2019 on the file of the first respondent police for the offences under Sections 376(2)(1), 5(j)(ii), 5(n), 5(p) and 6 of POCSO Act, is quashed on condition that the petitioner shall register his marriage and produce the registration certificate of their marriage before the first respondent police within a

period of four weeks from the date of receipt of a copy of this order, failing which, the order stands automatically cancelled. Accordingly, this Criminal Original Petition is allowed on the above condition.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

dua

To

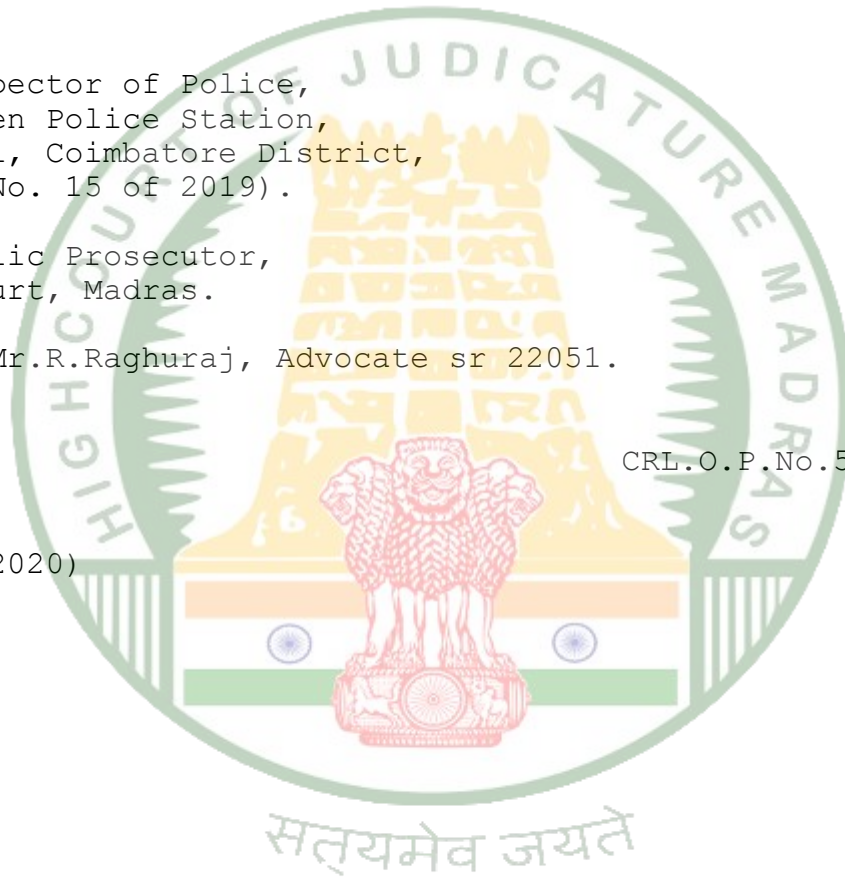
1.The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District,
(Crime No. 15 of 2019).

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.Raghuraj, Advocate sr 22051.

CRL.O.P.No.5667 of 2020

AD(CO)
SP(17/07/2020)



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