IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 30.12.2019

Pronounced on : 18.12.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP No.34912 of 2019
and
Crl MP No.7733 of 2020

Appu @ Ari @ O.Hari ...Petitioner / Accused No.1

Vs.

1. State, rep.by the Inspector of Police,
Ponnai Police Station,
Vellore District. ...1st Respondent/Complainant

2. Usha ...2nd Respondent / Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pending on the file of the first respondent police, namely, the Inspector of Police, Ponnai Police Station, Vellore District in Crime No.280 of 2019 and quash the criminal proceeding and pass such further or other orders as this Court may deem fit and proper.

For Petitioner : Shri.T.R.Rajagopalan, Senior Counsel
for Shri.SSK.Sasikumar

For Respondent No.1 : Shri.G.Ramar,
Government Advocate (crl.side)

For Respondent No.2 : Shri.D.Dayalan

WEB COPY

O R D E R

Heard the learned Senior Counsel appearing for the petitioner and the learned Government Counsel for the first respondent and the learned counsel appearing for the second respondent/defacto complainant.

2.This criminal original petition has been filed for quashing the impugned FIR registered in Crime No.280 of 2019 on the file of the Inspector of Police, Ponnai Police Station, Vellore District. During the pendency of this criminal

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

original petition, final report had been filed and the case had been taken on file in Spl.SC No.43 of 2020 on the file of the Special Court/Sessions Judge for Pocso Act Cases, Vellore. Since this subsequent development took place during the pendency of this petition, it is open to this Court to take note of the same and mould the relief accordingly.

3.The second respondent Usha is the defacto complainant in this case. The petitioner is figuring as A1. Of course, certain serious allegations clearly attracting the provisions of the Protection of Children from Sexual Offences Act, 2012 have been set out in the impugned complaint. But then, this petition has been filed on the footing that the issue has been compromised and that to secure the ends of justice, these proceedings deserve to be quashed.

4.The learned Senior Counsel for the petitioner appeared before this Court through web hearing and he categorically stated that he enquired not only the petitioner and the second respondent but also the respective families. The learned Senior Counsel informs this Court that the second respondent Usha had attained majority. But then, the petitioner has attained only 20 years of age. He would be attaining majority only next year. Therefore, technically, it may not be possible to solemnize marriage between the two in view of the provisions of Prohibition of Child Marriage Act, 2006. Be that as it may, the learned Senior Counsel for the petitioner, called upon this Court to quash the impugned proceedings in view of the special circumstances that are obtaining in this case. The petitioner as well as the second respondent also appeared before this Court through web hearing.

5.The contention of the learned Senior Counsel is that the petitioner and the second respondent are hailing from the same village. In fact, they appear to be related to each other. Both of them fell in love. This was seriously opposed by the girl's family. Therefore, at the instance of the girl's father, the impugned complaint appears to have been given. To pointed queries from the Court, the second respondent Usha replied that she does not want to pursue the matter further. Even if the case is taken up for trial, the second respondent is bound to turn hostile. There is no purpose in keeping the prosecution alive. In order to save judicial time and to secure the ends of justice and taking note of the undertaking solemnly given by the petitioner before this Court that he would marry the second respondent immediately after attaining majority, the proceedings in Spl.SC No.43 of 2020 on the file of the Special Court/Sessions Judge for Pocso Act Cases, Vellore are quashed.

WEB COPY

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

6.This criminal original petition stands allowed on the above terms. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(cs iii)

//True Copy//

Sub Assistant Registrar

skm

To

1. The Inspector of Police,
   Ponnai Police Station,
   Vellore District.

2. The Special Judge/Sessions Judge
   for Pocso Act Cases, Vellore.

+2cc to Mr.E.Kannadasan, Advocate, S.R.No.42030

Crl OP No.34912 of 2019
and
Crl MP No.7733 of 2020

kk(CO)
rv(01/02/2021)

WEB COPY

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