



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P.(MD)No.2302 of 2020

Shanmugasundaram

... Petitioner/Solo Accused

Vs.

1.The State represented by
The Inspector of Police,
Tharuvaikulam Police Station,
Tuticorin,
Tuticorin District.
(Crime No.75 of 2018)

...1st Respondent/Complainant

2.Perumal

...2nd Respondent/ Defacto Complainant

3.Sivasakthi

...3rd Respondent/Victim Girl

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the charge sheet in Special S.C.No.6 of 2019 on the file of the POSCO Court, Tuticorin against Crime No.75 of 2018 on the file of the first respondent police and quash the same.

For Petitioner

: Mr.P.Banuprasath

For Respondents

: Mr.M.V.Chandrasekar,

Government Advocate (Cr1. Side)for R1

: Mr.V.Selva for R2 and R3

ORDER

Heard the learned counsel on either side.

2.The petitioner is figuring as accused in Spl.S.C.No.6 of 2019 on the file of the POSCO Court, Tuticorin. The second respondent is the defacto complainant. The second respondent has given a complaint that his minor daughter namely., Sivasakthi was kidnapped by the petitioner. That led to registration of Crime No.75 of 2018 on the file of the first respondent.

3.Today ie., 28.10.2020 when the matter was taken up for hearing, the victim girl appeared before this Court through web hearing. The victim girl namely., Sivasakthi has been duly identified by her counsel and also by the first respondent police. The victim has categorically stated that she had attained majority and that she got married to the petitioner. The marriage has also been duly registered. The victim girl clearly stated that she is living happily with the petitioner. When the victim girl herself does not want the prosecution to continue, I am of the view that no purpose will be served in keeping the prosecution alive.



WEB COPY

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4. In this view of the matter, the impugned prosecution stands quashed and the criminal original petition is allowed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

ENCL: Xerox Copy of Joint Compromise Memo.

To:-

1. The POSCO Court,
Tuticorin District.
2. The Inspector of Police,
Tharuvaikulam Police Station,
Tuticorin,
Tuticorin District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.BURU PRASATH, Advocate (SR-20685[F] dated 29/10/2020

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CK (CO)

KB(10.11.2020) 2P 5C