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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6675 of 2021 and
Crl.M.P.Nos.4451 & 4043 of 2021

S.Vishnu Singh Rajprohit

... Petitioner

Versus

1.The State By,
Inspector of Police,
All Women Police Station,
Erode District.
Crime No.7/20020.

2.Poonam

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to case in Crime No.7 of 2020 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.M.Karthik

For R1 : Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.7 of 2020, dated 17.05.2020 on the file of the 1st respondent Police.

2.The case of the prosecution is that the 2nd respondent (victim girl), aged about 17 years was studying 11th std in Vellalar Girls Higher Secondary School, Thindal, Erode District and her father was running sweet stall in Erode and her mother is housewife. The 2nd respondent had two sisters and one brother. The petitioner's family and the 2nd respondent's family were jointly running the sweet stall in Erode and they hail from the State of Rajasthan. One year prior to date of occurrence



(17.05.2020), the petitioner proposed his love to the 2nd respondent and thereafter, when the 2nd respondent had gone to the house of the petitioner to see the petitioner's sister Mamtha, the petitioner informed that his sister and his family members gone out. The 2nd respondent returned to her home, at that time, the petitioner stopped her and had sexual intercourse with her for nearly three hours in his house. The 2nd respondent did not inform the happenings to anyone. On 16.05.2020, the 2nd respondent had severe stomach pain and she got admitted in Lotus Hospital, Erode. On 17.05.2020, the 2nd respondent gave birth to a female child. On receipt of the information from the hospital, the 1st respondent proceeded to the hospital, received the complaint from the 2nd respondent and registered the FIR in Crime No.7 of 2020, for offence under Sections 5(1), 5(j)(ii) r/w 6 of the Protection of Children from Sexual Offence Act, 2012 on 17.05.2020.

3.The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4.An Affidavit dated 24.06.2021 has been filed by the 2nd respondent/victim girl. The petitioner and the 2nd respondent were also present through Video conferencing. In the affidavit, it has been stated that the petitioner and the 2nd respondent fell in love with each other and out of which, she gave birth to a female child on 17.05.2020 and she is willing to marry the petitioner and both the families consented for the marriage. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The petitioner and the 2nd respondent hail from Rajasthan State, they shall perform their marriage as per their customs and usage.

5.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.7 of 2020, on the file of the 1st respondent Police.



6.This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.7 of 2020, on the file of the 1st respondent police, is quashed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
All Women Police Station,
Erode District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.I.C.Vasudevan, Advocate Sr No.36196

CRL.O.P.No.6675 of 2021

PMK (CO)
PR (27/08/2021)