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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.20352 of 2020
and
CrI.M.P.No.8507 of 2020

S.Parameshwaran

...Petitioner

Versus

1. State Rep.by,
The Inspector of Police
Nangavalli Police Station
Salem District.
(Crime No.144 of 2016)

2.K.Chitra

3.P.Bavithradevi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the Final Report/Charge Sheet No.FR-120 of 2018 dated 10.04.2018, arising out of Case Crime No.144 of 2016 on the file of the first respondent and pending trial before the Special Court for exclusive trial of cases under POCSO Act, Salem District in Spl.S.C.No.219 of 2019.

For Petitioner : Mr.F.Wellington

For Respondents: Mr.A.Damodaran for R1
Government Advocate (CrI.Side)
: Mr.R.Balu for R2

ORDER

This petition has been filed to call for the records and quash the Final Report/Charge Sheet No.FR-120 of 2018 dated 10.04.2018, arising out of the Case in Crime No.144 of 2016 on the file of the first respondent, pending trial before the Special Court for exclusive trial of cases under POCSO Act, Salem District in Spl.S.C.No.219 of 2019.

2. The petitioner/accused in Spl.S.C.No.219 of 2019, who is facing trial, for the offence under Sections 363 and 366 of IPC



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5. The learned Government Advocate (Crl.Side) has submitted that on the complaint lodged by the second respondent/victim's



mother, the case came to be registered and after conclusion of the investigation, charge sheet was filed and the petitioner was arrested. Subsequently, the family members of the petitioner and the victim girl came to an understanding to conduct marriage between them. With the blessing of the elders, marriage was held at Murugan Temple on 25.09.2019 and out of the wedlock, they got a female child and now they are living happily as husband and wife.

6. The second respondent has now filed an affidavit and also appeared before this Court and submitted that her husband died on 23.02.2018 and the victim girl was adamant in marrying the petitioner. Hence, with the blessing of both the families, marriage was held between the petitioner and the victim and now they got a girl child. Further, the second respondent has not objected to quash the petition, on the ground of compromise, after further developments. The victim girl appeared before this Court and confirmed her relationship with the petitioner and she also admitted that she compelled the petitioner to take her away from her home. Now, both of them are jointly living together as husband and wife and blessed with a female child.

7. The mother of the victim has further stated that the victim girl has no Birth Certificate while she got admitted in the School. At the time of admission, the age of the victim was recorded approximately by the School authorities, it is not the correct age, she might be elder and she was also conscious about her relationship and love affair with the petitioner.

8. Considering the above submissions and the materials on record and also both the victim and her mother appeared and filed affidavit confirming the compromise and marriage between the petitioner and the victim, now, they also blessed with a girl child, at this juncture, the continuation of the proceedings would serve no purpose and it only affect the peaceful life of the victim and welfare of the child. Further, the age recorded in the School certificate is only approximate.

9. In view of the same, this Court is inclined to allow this Petition. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

dna



To

1. The Special court for exclusive trial of cases
under POSCO Act,
Salem

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2. The Inspector of Police
Nangavalli Police Station
Salem District.
(Crime No.144 of 2016)
3. The Public Prosecutor,
High Court, Madras.

Copy to

1. The Presiding Officer,
The Hon'ble POSCO Committee,
High Court, Madras.

Crl.O.P.No.20352 of 2020
and
Crl.M.P.No.8507 of 2020

PCH(CO)
RGA(20/07/2021)