



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17173 OF 2021

Srinivasan

... Petitioner

Versus

1. The State of Tamil Nadu rep. by
The Inspector of Police,
All Women Police Station,
Vaniyambadi, Thiruppathur District.

2. Sathya Priya

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the case in Crime No.6 of 2021 on the file of the 1st respondent police and quash the same.

For Petitioner	:	Mr.S.V.Karthikeyan
For Respondent	:	Mr.A.Damodaran,
No.1		Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records of the case in Crime No.6 of 2021 on the file of the 1st respondent police and quash the same.

2.The case of the prosecution is that the petitioner and the second respondent defacto complainant, who is a minor, had love affair with each other. since her mother died in her childhood, she was residing with her sister, who is the sister-in-law of the petitioner. While so, the petitioner and the second respondent defacto complainant had physical relationship. In view of the same, she became pregnant. Hence, they got married on 09.11.2020. Out of wedlock, a male child was born on 22.04.2021. On 08.07.2021, there is some misunderstanding between them, due to which, she left her matrimonial house with her child. Thereafter, the second respondent lodged a complaint to the first respondent and a case in Crime No.6 of 2021



registered under Section 294(b), 323, 506(1) IPC, 376 (2) (n), 5 (1), 5(n), 5(1) (ii), 6 of the Protection of Child from Sexual offences Act, 2012 and 9 of the Prohibition of Child Marriage Act, 2006. Thereafter, the petitioner was remanded to judicial custody on 09.07.2021 and was released on bail on 30.07.2021 by the learned Sessions Judge, POCSO Court, Vellore.

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 11.09.2021 has been filed by the second respondent defacto complainant. The petitioner and the second 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 male child on 22.04.2021 and now she is willing to withdraw the complaint, for which, the father of the 2nd respondent also has no objection. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. They have also filed birth certificate of the child viz., S.Theevith wherein the names of the petitioner and 2nd respondent are mentioned as parents.

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 Gujrat), 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.6 of 2021, on the file of the 1st respondent Police.

6.This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.6 of 2021, on the file of the 1st respondent police, is quashed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gv/sms



To

1. The Inspector of Police,
All Women Police Station,
Vaniyambadi, Thiruppathur District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.V.Karthikeyan, Advocate, S.R.No.52580

CRL.O.P.No.17173 of 2021

RSI (CO)
PM/28/10/2021