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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.23685 of 2021 and
CrI.M.P.No.13043 of 2021

R.Lakshman

... Petitioner

Vs.

1.The State,

Rep by it Inspector of Police,
All Women Police Station,
Panruti TK, Cuddalore Dist.

2.Manju

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned Spl.S.C.No.67 of 2020, dated 18.06.2020 on the file of the learned Special Court, Cuddalore & District and to quash the same.

For Petitioner :Mr.P.Vijendran

For R1 :Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Special S.C.No.67 of 2020, on the file of the Special Judge, Cuddalore.

2.The gist of the case is that at the time of occurrence, the 2nd respondent was a minor, aged about 14 years and her date of birth was 07.04.2006 and she was living with her parents at Pannaikuchipalayam, Panruti. The petitioner, who is the relative of the 2nd respondent is also residing in the same village. The petitioner and the 2nd respondent were in love affair for three



years and they were spent happy times lonely. On 10.03.2020, at about 11.00 p.m., the petitioner and the 2nd respondent were talking together in the petitioner's house, at that time, the petitioner had sexual intercourse with her, without her consent, on the pretext of marrying her. This was continued for several times. Due to which, the 2nd respondent became pregnant and they got married at Kannimar Temple in same village. Since the marriage was not accepted by both the family members, they stayed in the same village in another house. Since the 2nd respondent was suffered from health issues, she got admitted in the Government Hospital, Panruti. From there, the information was sent to the 1st respondent Police. On receipt the information, the 1st respondent Police had gone to the Government Hospital, Cuddalore, received the complaint from the 2nd respondent and registered an FIR in Crime No.12 of 2020, for offence under Sections 5(1) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 10 of Child Marriage Act, after completion of investigation, charge sheet was filed before the Special Court, Cuddalore, listing 17 witnesses as LW1 to LW17 and documents and taken on file as Special S.C.No.67 of 2020.

3.The learned counsel for the petitioner submitted that the petitioner and the 2nd respondent were in love with each other prior to the occurrence. The 2nd respondent's family made arrangement for marriage of the 2nd respondent with elder person, which was not agreeable to her. Hence, she forced the petitioner to take her away, otherwise she would commit suicide. Having no other option, the petitioner accompanied the 2nd respondent and they got married at Kannimar Tample, Panruti and now, the 2nd respondent given birth to a child. The learned counsel further submitted that now both the families are accepted their marriage and the issues between them are resolved. The 2nd respondent has filed affidavit to that effect. Hence, he prayed for quashing of the proceedings against the petitioner.

4.The learned Additional Public Prosecutor appearing for the 1st respondent submitted that at the time of occurrence, the 2nd respondent was a minor, aged about 14 years and her date of birth was 07.04.2006. Due to love affair, the petitioner and the 2nd respondent got married in a temple and the petitioner had sexual intercourse with her for several times. Out of their wedlock, a child was born to them. On receipt the information from the Government Hospital, Cuddalore, the 1st respondent Police had gone to Hospital, received the complaint from the 2nd respondent and registered an FIR in Crime No.12 of 2020, for offence under Sections 5(1) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 10 of Child



Marriage Act and on completion of investigation, charge sheet was filed. Now, both the families are accepted the marriage of the petitioner and the 2nd respondent and they are leading a peaceful life.

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5.This Court considered the rival submissions and perused the materials available on record and also the affidavit filed by the 2nd respondent.

6.Today, the petitioner and the 2nd respondent appeared before this Court. The 2nd respondent confirmed the relationship with the petitioner and her commitment to get married. Further, she stated that she is staying with the petitioner's family with the concurrence and approval of her family. The relationship and the love affair between the petitioner and the victim girl is not denied.

7.It is seen that the 2nd respondent forced the petitioner to take her away, since her family made arrangement for marriage with someone. After elopement, they got married in a temple and now, the 2nd respondent is given birth to a child. The petitioner and the 2nd respondent on certain terms confirmed their relationship and the 2nd respondent is not inclined to proceed with the case.

8.The elopement is on the compulsion of the victim girl and the petitioner is not to be blamed.

9.This Court in the case of "Sabari Vs. Inspector of Police reported in 2019(2) MLJ Cr1.110", had observed that during the adolescent age, boys and girls got involved in a relationship, such relationship would be the result of mutual innocence and biological attraction, which cannot be construed as an unnatural one or alien to between relationship of opposite sexes.

10.In a similar situation in the case of "Kumar @ Tennish Vs. The Inspector of Police, Latheri Police Station, Katpadi Taluk, Vellore and another in Cr1.O.p.No.16648 of 2018", this Court had quashed the proceedings on the compromise arrived between the accused and defacto complainant.

11.In view of the above and the compromise arrived between the parties, this Court finds that continuation of the proceedings will serve no purpose and it is only be an abuse of process of law.



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12. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Special S.C.No.67 of 2020, on the file of the 1st respondent Police is hereby quashed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Special Court,
Cuddalore.
- 2.The Inspector of Police,
All Women Police Station,
Panruti TK, Cuddalore District.
- 3.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.23685 of 2021

SPD(CO)
CB(24/02/2022)