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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.22956 of 2021

and

Cr1.M.P.No.12585 of 2021

1.G.Srinath

2.S.Yogesh

... Petitioners/Accused 1 & 2

Vs.

1. State Rep. by
The Inspector of Police,
W-32, All Women Police Station,
Madipakkam,
Chennai.

2. R.Sudhagar

... Respondents/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to quash the complaint in Crime No.7 of 2019 on the file of the Inspector of Police, W-32, All Women Police Station, Madipakkam, Chennai.

For Petitioners : Mr.A.Sasidharan

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

For R2 : Mr.A.Praveen Kumar

O R D E R

This Criminal Original Petition is filed to quash the complaint in Crime No.7 of 2019 on the file of the Inspector of Police, W-32, All Women Police Station, Madipakkam, Chennai.

2.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.

3.The gist of the case is that the second respondent's



daughter aged about 17 years studying 1st Year B.E. (Civil) at XXX College. The daughter of the second respondent and the first petitioner were friends while studying 11th Standard in XXX School, Velacherry and they continued their friendship even after their school days through Social Network. The first petitioner used to annoy the second respondent's daughter through his love proposal and the second respondent's daughter turned down the first petitioner's proposal. Therefore the first petitioner threatened second respondent's daughter/victim girl that he would reveal to his father that they were in love with each other and also that he would commit suicide if she refuses to accept his love proposal.

4. On 06.04.2019, the second respondent's daughter/victim girl while waiting at the bus stop, the first petitioner came and picked her up in his bike stating that he will drop her in college. The first petitioner instead of dropping her at college forcibly took her to places like Mahaballipuram etc., along with the second petitioner, who also their school friend. The first and second petitioners took photos of the second respondent's daughter/victim girl and the first petitioner in close proximity in the first petitioner mobile phone. The first petitioner shared those photos with the second petitioner and thereafter the first petitioner showed those photos to the second respondent's daughter/victim girl and asked her to visit his house.

5. The second respondent's daughter went to the first petitioner house and asked him to delete those photos. At that time, the first petitioner asked the second respondent's daughter/victim girl to hug and kiss him. When the second respondent's daughter/victim girl done the same, the second petitioner took photos of them in that close proximity. The said actions of the accused disturbed the second respondent's daughter/victim girl and caused mental agony. The defacto complainant in his complaint has stated that he noticed his daughter/victim girl was in a depressed mood on 09.04.2019, while going to college and on 10.04.2019 she took leave. When the same was questioned by the defacto complainant repeatedly she revealed the incident to defacto complainant and further stated that they did not have any physical relationship. The defacto complainant stated that on hearing the same, the whole family was upset mentally and driven to commit suicide and hence the present complaint had lodged before the first respondent as against the petitioners in Crime No.7 of 2019, for offence under Sections 8, 14(4) and 16 of Protection of Children from Sexual Offence (POCSO) Act pending on the file of the first respondent police.

6. In the mean time, it has been unanimously decided by the



petitioners and the second respondent to put an end to all the litigation between them. To that effect, the second respondent has filed an affidavit stating that he gave a letter dated 20.06.2021 to the first respondent police requesting them not to proceed the matter since he understand that the petitioners were friends of his daughter and no harm has been committed by them to his daughter. Considering the future of his daughter and the petitioners do not have any objection for quashing the FIR in Crime No.7 of 2019 pending against the petitioners on the file of the Inspector of Police, W-32, All Women Police Station, Madipakkam, Chennai. This Court enquired the second respondent and satisfied that the parties have come to an amicable settlement between themselves.

7.The learned Government Advocate (Crl. Side) appearing for the first respondent also confirms the same.

8.Under such circumstances, no useful purpose will be served in keeping the FIR 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 Suprme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.7 of 2019, pending on the file of the first respondent.

9.This Court in the case of "Sabari Vs. Inspector of Police reported in 2019(2) MLJ Crl.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 Crl.O.P.No.16648 of 2018", this Court had quashed the proceedings on the compromise arrived between the accused and defacto complainant.

11.In the light of the above decisions and considering the fact that the continuation of the proceedings would affect the peaceful life of the victim girl and the petitioners, this Court is inclined to quash the proceedings against the petitioners in Crime No.7 of 2019, pending on the file of the first respondent, is quashed.

12.Accordingly, this Criminal Original Petition is allowed. The affidavit filed by the 2nd respondent shall form part and



parcel of this case. Consequently, the connected Miscellaneous Petition is closed.

* Herein enclosed the xerox copy of the Affidavit.

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Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
W-32, All Women Police Station,
Madipakkam,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Sasidharan, Advocate, S.R.No.67774

Cr1.O.P.No.22956 of 2021
and
Cr1.M.P.No.12585 of 2021

BS (CO)
SU (07/01/2022)