



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.14221 of 2021

and

Crl.M.P. (MD)No.7435 of 2021

WEB COPY

1.K.Dhayalan

2.T.Kathiresan

3.K.Gowsalya

4.K.Kottaisamy

5.T.Babu

6.S.Prabakaran

... Petitioners/Petitioners/
Accused Nos. 1 to 6

vs.

1. The State through
The Inspector of Police,
Bodinayakanoor Town Police Station,
Theni District.
(Crime No.50 of 2021)

... 1st Respondent/
De jure Complainant

2. M.Karuppiah

... 2nd Respondent/
De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the entire records connected with the case in Crime No.50 of 2021 pending on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr.S.Malaikani

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1
Mrs.R.Jenifar Bibin for R2



ORDER

This Criminal Original Petition has been filed for quashing the FIR in Crime No.50 of 2021 registered on the file of the Bodinayakkanur Town Police Station.

WEB COPY

2. The de-facto complainant is the second respondent herein. The case of the de-facto complainant is that his minor daughter had been kidnapped by the petitioners herein. Based on his information, the case was registered. To quash the same, this Criminal Original Petition has been filed.

3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds.

4. Per contra, the learned counsel appearing for the de-facto complainant submitted that on the date when occurrence took place, the victim was very much minor girl. According to him, the offence under Section 366-A IPC is squarely attracted. He would also state that subsequent marriage between parties cannot wash away a crime that had already been committed. In this regard, he relies upon the judgment of Kerala High Court in **Crl.M.C.No.5890 of 2020 (P.R.Rahul and another vs. State of Kerala) dated 26.08.2021.**

5. I carefully considered the rival contentions and went through the materials on record.

6. The contention of the learned counsel for the de-facto complainant that offence was committed on 10.02.2021 is very much justified. I do not find fault with the first respondent for having registered an FIR. The only question is whether the prosecution should be allowed to continue. The facts remains that the de-facto complainant's daughter has now attained majority. She was born on 14.02.2003 and she attained majority on 13.02.2021. After attaining majority, the first petitioner and the victim have got married to each other on 15.02.2021. In the circumstances, it would not serve the interest of justice to keep the prosecution alive. The impugned FIR is quashed. The Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csm/mga

<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector of Police,
Bodinayakanoor Town Police Station,
Theni District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-36319[F] dated 29/11/2021)

Crl.O.P. (MD)No.14221 of 2021
and
Crl.M.P. (MD)No.7435 of 2021
26.11.2021

sun(CO)
TR(10.12.2021) 3P 4C