



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD).No.15255 of 2020

Senthilkumar

... Petitioner

Vs.

1.State Through The Inspector of Police,
All Women Police Station,
Thoothukudi.

2.Chinna Mariammal

3.R.Rajeswari

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to J.C.No.139 of 2016 in Crime No.8 of 2016 on the file of the Court of Juvenile Justice Board, Thoothukudi District and quash the same.

For Petitioner	: Mr.S.Moorthy
For R1	: Mr.R.Erottuchamy
	Government Advocate (Criminal Side)
For R2 & R3	: Mr.Tamilkani

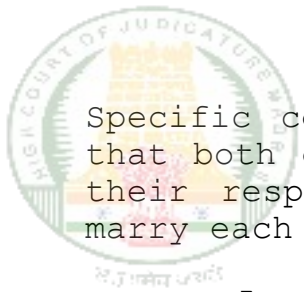
O R D E R

The present petition is filed under Section 482 of Criminal Procedure Code, to call for the records in J.C.No.139 of 2016 on the file of the Juvenile Justice Board, Thoothukudi District and quash the same.

2.The case of the prosecution is that the petitioner kidnapped the third respondent, who was a minor on 22.03.2016 and an FIR was registered in Crime No.8 of 2016 for the offences punishable under Sections 366 of Indian Penal Code r/w 6 of Protection of Children from Sexual Offence Act, 2012. After investigation, charge sheet was also filed in J.C.No.139 of 2016 before the Juvenile Justice Board, Thoothukudi District.

3.Mr.S.Moorthy, learned counsel appearing for the petitioner and Mr.Tamilkani, learned counsel appearing for the respondents 2 and 3 would contend that the petitioner and the third respondent got married on 02.11.2020 and the marriage was also registered before the Registrar of Marriages, Sub Registrar Office, Tuticorin, Melur. His further contention is that they have got a female child and that now they want to settle the issue amicably.

4.A perusal of the birth certificates of both the petitioner and the third respondent shows that the petitioner was born on 22.07.1999 and the third respondent was born on 09.03.2000. The



Specific contention of the petitioner and the third respondent is that both of them were in love with each other and therefore, left their respective homes as their parents would not allow them to marry each other at such a young age.

5.Both the petitioner and the third respondent appeared in person along with their respective counsels and also produced their Aadhar cards before this Court. Their identification was verified by this Court, in addition to the confirmation of the identification of the parties by the learned Government Advocate (Criminal side) and Mrs.A.K.Latha, Sub-Inspector of Police, All Women Police Station, Thoothukudi.

6.Normally, this Court would not entertain compromise in a case registered under Protection of Children from Sexual Offence Act, 2012. But in the present case, the petitioner and the third respondent were already married and they have also got a female child and no useful purpose would be served by asking the Juvenile Justice Board to proceed further in the instant case.

7.In the facts and circumstances, the proceedings in J.C.No.139 of 2016 in Crime No.8 of 2016 on the file of the Court of Juvenile Justice Board, Thoothukudi District, is quashed. The memo of compromise shall form part of this order.

8.With the above observations, the Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

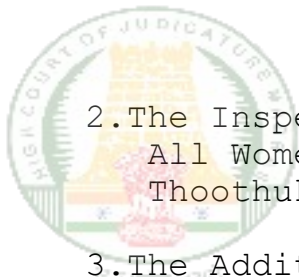
sjj

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.

ENCL:XEROX COPY OF JOINT COMPROMISE MEMORANDUM

To

1.The Presiding Officer
Juvenile Justice Board,
Thoothukudi District.



2.The Inspector of Police,
All Women Police Station,
Thoothukudi.

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

Crl.O.P. (MD) .No.15255 of 2020
07.01.2021

SJ(CO)
KB(05.02.2021) 3P 4C