



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.267 of 2022

1. Gopala Krishnan

2. Rajasekar Barathi

...Petitioners/ Accused

Versus

1. The State Represented by
Inspector of Police,
Sulthanpettai Police Station,
Coimbatore District.

2. K.Pechimuthu

3. P. Durga Devi

...Respondents/ Complainants

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records pertaining to Crime No.349 of 2020 pending on the file of the first respondent and quash the same.

For Petitioners : Mr.K.C.Karl Marx

For Respondent-1 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to call for the records in Crime No.349 of 2020 on the file of the first respondent police and quash the FIR against the petitioner.

2. The case of the prosecution is that the second respondent lodged a complaint with the first respondent-Police on 03.09.2020 alleging that his minor daughter born on 06.06.2003 was abducted by the petitioners and a case was registered in Crime No.349 of 2020 for offence under Section 366 (A) of I.P.C, which was subsequently altered to Sections 366 of I.P.C, Section 5(1) r/w 6 of POCSO Act and Section 9 of Prevention of Child Marriage Act.



3. The learned counsel for the petitioner submitted that on 20.08.2021, the first petitioner married the victim girl, after attaining majority. The said marriage was registered before the Sub-Registrar, Sullur on 22.09.2021 and to that effect, Marriage Certificate is also produced. The same was accepted by both the families and they are living happily. Now, the victim girl is 6 months pregnant. Hence, the case in Crime No.349 of 2020 may be quashed.

4. Today, the second respondent, the victim girl and the accused are present before this Court.

5. Under normal circumstances, this Court would not quash the FIR under POCSO Act, however, on a reading of FIR in this case, it is alleged by the second respondent that her daughter, who was aged about 17 years at the time of incident, ran away with the accused. During the pendency of the investigation, the victim girl and the accused got married on 20.08.2021. Hence, the de-facto complainant does not want to proceed the case further and requested to quash the FIR.

6. In the result, this Criminal Original Petition stands allowed and as a sequel, the the proceedings in Crime No.864 of 2018, on the file of the 1st respondent police, is quashed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Inspector of Police,
Sulthanpettai Police Station,
Coimbatore District.

2.The Public Prosecutor
High Court, Madras.

+1cc to M/s.Karal Marx K.C, Advocate, S.R.No.7547

Cr1.O.P.No.267 of 2022

PP(CO)
SB(14/02/2022)