



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.1543 OF 2022

AND

CRL.M.P.NO.622 OF 2022

Mani @ Manikandan

...Petitioner / Accused

Vs.

1.State Represented by,
The Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai.

...1st Respondent / Complainant

2.Abdul Salam

...2nd Respondent / De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime no.635 of 2020 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.S.Suresh

For Respondent No.1 : Mr.E.Raj Thilak
Additional Public Prosecutor.

For Respondent No.2 : Mr.G.Vinodh Kumar

ORDER

This Criminal Original Petition has been filed to call for the records in Crime no.635 of 2020 on the file of the 1st respondent herein and quash the same.

2.The case of the prosecution is that on 06.06.2020, the defacto complainant lodged a complaint alleging that his daughter aged about 17 years found missing. From the neighbours, the defacto complainant came to know that his minor daughter was talking with the petitioner herein and the defacto complainant lodged a complaint before the Inspector of Police, J-8, Neelangarai Police Station. Based on the same, a case was registered in Crime No.635 of 2020 as "Girl Missing". Further on 08.06.2020, the police officials attached to the J-8, Neelangarai Police Station, rescued the victim girl and



apprehended the accused at Kottivakkam beach. On enquiry, it is found that on the pretext of marriage, the petitioner kidnapped the victim girl and had sexual intercourse with the victim girl. Later, FIR was altered to Section 366 (A) IPC and Section 4 of POCSO Act.

3.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.

4.The defacto complainant and his daughter/victim girl have filed their affidavits, dated 02.02.2022, stating that the entire issue has been amicably settled between them, considering the future of the petitioner and the victim girl. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.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.

6.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.

7.In the light of the above decisions and considering the fact that the continuation of the proceedings would affect the life of the victim girl and the petitioner, this Court is inclined to quash the FIR in Crime no.635 of 2020, on the file of the 1st respondent.

8.Accordingly, this Criminal Original Petition is allowed. The affidavit filed by the defacto complainant/2nd respondent and the victim girl shall form part and parcel of this case. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

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To

1.The Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.1543 of 2022
and
Crl.M.P.No.622 of 2022

KG(CO)
RVM(01/03/2022)