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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.1687 of 2022

M.Boopathy ...Petitioner/Accused
Versus

1. The State rep. by,
The Inspector of Police,
Mohanur Police Station,
Namakkal.
(Crime No.696 of 2021) ...1st Respondent/Complainant
- 2.S.Shanthi ..2nd Respondent/Defacto complainant
- 3.M.Renganayagi ...3rd Respondent/Victim Girls Mother

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.696 of 2021, on the file of the 1st respondent and quash the same.

For Petitioner : Mr.W.Camyles Gandhi
For R1 : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.696 of 2021, dated 17.11.2021, on the file of the 1st respondent Police.

2.The case of the prosecution is that on 17.11.2021, at about 05.00 p.m., the 2nd respondent, Social Welfare Development Officer, Panchayat Union, Moganur lodged a complaint before the 1st respondent Police. The complaint is that on 01.05.2021, the 2nd respondent received a phone call through Child Helpline Number 1098. Thereafter, the Village Administrative Officer, Peramandapalayam and one Child Helpline Member had gone to the



petitioner's house and enquired him. The petitioner informed that he got married the victim girl at Murugan Temple, Moganur. Since their parents refused the marriage, they were living separately for some days. On enquiry with the victim girl, she stated that the petitioner married her and had sexual intercourse with for several times. Finding the victim girl was a minor at the time of occurrence, she was handed over to the Child Welfare Officer and thereafter, she was sent back to her parents. On the complaint of the 2nd respondent, a case in Crime No.696 of 2021, for offence under Sections 6, 5(1) and 9 of the Protection of Children from Sexual Offence Act, 2012 was registered against the petitioner, against which the present quash petition.

3.The learned counsel for the petitioner submitted that according to the 2nd respondent, the occurrence had taken place on 25.02.2021 and she received the information about the marriage of the victim girl with the petitioner on 01.05.2021. After six months only (17.11.2021), the complaint was lodged by the 2nd respondent to the 1st respondent Police, for which, no reason was given by the 2nd respondent Police. He further submitted that the petitioner and the victim girl are relatives. There was family arrangement for the victim girl's marriage after she attains majority. The family members of the victim girl are uneducated and the age recorded in the school records is not correct. He further submitted that the victim girl has not stated about any sexual assault of the petitioner, when she was enquired by the Child Welfare Officer as well as when she was produced before the learned Judicial Magistrate No.II, Namakkal, for recording her statement under Section 164 Cr.P.C, on 24.11.2021. The victim girl in her statement recorded under Section 164 Cr.P.C., stated that the Village Administrative Officer got her signature in the blank paper and she did not make any complaint about the marriage or sexual assault made by the petitioner. Admittedly, in this case, the victim girl and the petitioner are relatives and known to each other. Further, it was decided that after the victim girl attains majority, she would be given in marriage. There was inimical group in the village, who had given a false complaint to the Child Welfare Committee. The Child Welfare Committee without properly verifying the true facts, had lodged a criminal complaint before the 1st respondent Police, even the 1st respondent Police also not conducted the preliminary enquiry on the complaint and mechanically registered the FIR against the petitioner.

4.He further submitted that the victim girl and her mother/3rd respondent have filed affidavit before this Court,



10. 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 petitioner, this Court is inclined to quash the FIR against the petitioner in



Crime No.696 of 2021, on the file of the 1st respondent Police and the same is quashed. Accordingly, this Criminal Original Petition is allowed.

WEB COPY

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Mohanur Police Station,
Namakkal.
(Crime No. 696/2021)

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. Camyles Gandhi, Advocate sr 6956.

CRL.O.P.No.1687 of 2022

MG (CO)
SP(18/02/2022)