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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.Nos.6586 & 29108 of 2018 &
Crl.M.P.Nos.3382, 3383, 17012 & 17014 of 2018

1. Prabakaran
2. Elavarasan ... Petitioners in Crl.O.P.No. 6586 of 2018

1. Manohar
2. Selvam
3. Pushpa
4. Mahendran ... Petitioners in Crl.O.P.No. 29108 of 2018

Vs

1. State Represented by
   Inspector of Police,
   District Crime Branch,
   Erode, Erode District.
   Crime No.24 of 2011

2. Ponnusamy ... Respondents in both Crl. O.Ps.

COMMON PRAYER : Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records in C.C.No.539 of 2013 on the file of the learned Chief Judicial Magistrate, Erode and quash the same.

For Petitioners : Mr.V.Gopinath, Senior Counsel for Ms.R.Divya[Crl.O.P.No.6586 of 2018]

Mr.R.John Sathyan for Mr.N.Vignesh [Crl.O.P.No.29108 of 2018]

For Respondents: [in both Crl.O.Ps.] R1 - Mr.S.Vinoth Kumar, Government Advocate (Criminal Side)

R2 - Mr.R.Thangavel

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COMMON ORDER

These petitions have been filed to quash final report filed in C.C.No.539 of 2013 on the file of the Chief Judicial Magistrate Court, Erode against the accused for the offences under sections 120[B], 366, 193, 196, 198, 201, 465, 468, 471, 420 read with 109 IPC.

2. The allegations against the petitioners in the final report is that A2 and A3 are parents of A1 and A4 is the brother of A1 and A5 and A6 are friends of A1. At the instigation of A2 to A6, A1 had took the victim to Chennai and married her against her will and also created documents to register the marriage. Thereby, the accused committed the afore said offences.

3. The learned counsel appearing for the petitioners submitted that the final report is nothing but abuse of process of law and the victim voluntarily left with the accused against the wish of her parents and on her wish, she married A1. It is his further contention that the marriage certificate issued by the Registrar and the statement given by the victim before this Court in H.C.P.No.597 of 2011 clearly indicate that the victim had married A1 on her own wish and also the marriage came to be registered. The statement given by the victim clearly show that she has voluntarily left with A1, whereas, the parents and friends of A1 have been implicated unnecessarily in this matter, as if they conspired and the marriage has been forcibly done. It is his further contention that the marriage between A1 and the victim is also now declared null and void and the victim is also now married and the statement given by the father of the defacto complainant and the defacto complainant also clearly indicate that they are not willing to proceed further in this matter and entered into a compromise with the accused. Hence, submitted that continuation of prosecution is sheer waste of time and sought to quash the final report.

4. Normally, when there are serious allegations found in the final report, which require trial and any offence which has impact on society, the Court will not interfere with the final report. The entire crux of the allegation itself indicate that the entire dispute revolve around the affair between A1 and the victim, which lead to their marriage against the wish of her parents, as a result of which the First Information Report came to be filed. Further, the victim and her parents are not willing to proceed further with the present case as the marriage of the victim and A1 has been declared as null and void and now she has also been married.

5. It is to be noted that a compromise memo was also entered between the parties, which has not been disputed by the

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learned counsel appearing for the defacto complainant. Though most of the offences in the final report is not compoundable in nature, this Court is of the view that the entire allegation pertain to the affair of the victim with A1 and there is no much involvement of the crime against the society. Particularly, the entire allegation is with regard the marriage of two adults. As they themselves have compromised and decided not to prosecute the matter further, this Court is of the view that the charges which has impact on the society in general and the allegations mainly directed over the marriage of the victim with A1. Hence, this Court is of the view that as the victim herself has settled in her life and decided not to prosecute, there is no impedement in quashing the entire final report and the same has to be quashed.

6. Accordingly, these Criminal Original Petitions are allowed and the proceedings in C.C.No.539 of 2013 on the file of the Chief Magistrate Court, Erode against all the accused is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vrc / kbs

To

1. The Chief Judicial Magistrate,
Erode.

2. The Inspector of Police,
District Crime Branch,
Erode, Erode District.

3. The Public Prosecutor
High Court, Madras.

+1cc to M/s.S.Sasikumar, Advocate, S.R.No.6115
+1cc to M/s.N.Vignesh, Advocate, S.R.No.6114

Crl.O.P.Nos.6586 & 29108 of 2018

KSM(CO)
SB(16/02/2022)

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