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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.4862 of 2022

1.B.Manikandan @ Dillibabu,
S/o.Baskar

2.K.Vijayalakshmi,
W/o.Baskar

... Petitioners

Vs

1.The State of Tamil Nadu,
The Inspector of Police,
AWPS Avadi Police Station,
Thiruvallur District.

2.Geetha,
W/o.Mahendran

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to charge sheet in C.C.No.73 of 2020 on the file of Magalir Neethimandram, Thiruvallur and quash the same.

For Petitioners : Mr.M.Mohamed Riyaz

For Respondents

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 : Mr.M.Manimaran

ORDER

This Criminal Original Petition has been filed, to quash the proceedings in C.C.No.73 of 2020 on the file of Magalir Neethimandram, Thiruvallur, for the offences under Sections 366, 366 (A) and 506(i) of IPC and quash the same.



2. The gist of the case is that, the second respondent/defacto complainant Geetha is mother of the victim girl and her elder daughter Yuvasri was studying 9th standard, and that she had gone to school on 08.02.2019, she did not come back home. After searching, the second respondent/defacto complainant was unable to find out the victim girl, and that the second respondent/defacto complainant lodged a compliant before the Avadi police station that her daughter was missing and an FIR was registered on the same day in Crime No.119 of 2019 under the caption for "Girl missing".

3. On 12.02.2019, the victim girl was secured by the first respondent. Based on the statements recorded from the victim girl, the case was altered to Sections 366, 366(A) and 506(i) of IPC and Section 6 of the POCSO Act, 2012. However, during the course of investigation, it was found that the petitioner had not touched the victim girl and thereby, a final report was filed against the petitioners for the offences under Sections 366, 366(A) and 506(i) of the IPC. Challenging the final report, the present petition has been filed.

4. The learned counsel for the petitioners would submit that the petitioners and the victim girl are closed relatives and coming to know that there was a love affair between the victim girl and the first petitioner, and in the interest of future of the petitioner and the victim girl, the relatives and well-wishers of both the parties have mooted for compromise, pursuant to which, a Joint Compromise Memo has been filed before this Court.

5. The learned Additional Public Prosecutor appearing for the first respondent would submit that the petitioners, the victim girl and the defacto complainant are close relatives and the first petitioner and the victim girl, without understanding the consequences, had left their respective homes, later they were traced out. He would further submit that the statement of the victim girl has been recorded and the victim girl has stated that the first petitioner had not touched her and during the course of investigation, it is also found that there was no sexual assault on the victim girl by the first petitioner.

6. Mr.Manimaran, learned counsel appearing for the second respondent would submit that the petitioners, the victim girl and the defacto complainant are close relatives, out of infatuation, the first petitioner and the victim girl without understanding the consequences, had left their respective homes and they were secured. He would further submit that, taking into consideration



the future of two young persons and also taking into consideration the welfare of both the families, they have filed a Joint Compromise Memo.

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7. This Court considered the rival submissions and perused the materials available on record and also the Joint Compromise Memo filed by the petitioner and the second respondent.

8. This Court in the case of "Sabari Vs The 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. Further, the perusal of the records show that there was not sexual assault and the offences alleged are also not made out.

9. In view of the above and the compromise arrived between the parties, this Court finds that continuation of the proceedings will serve no purpose and it is only be an abuse of process of law frustrating both parties.

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in C.C.No.73 of 2020 on the file of Magalir Neethimandram, Thiruvallur is hereby quashed and the Joint Compromise Memo filed by the petitioner and the second respondent shall form part and parcel of this case.

*Xerox copy of the Joint Memo of Compromise is enclosed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

drm/arb
To

1.The Inspector of Police,
AWPS Avadi Police Station,
Thiruvallur District.



2.The Magalir Neethimandram,
Thiruvallur.

3.The Public Prosecutor,
High Court of Madras.

+2cc to Mr.M.Mohamed Riyas, Advocate SR.No.17381

CRL.O.P.No.4862 of 2022

PMK (CO)
CB (29/03/2022)