

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P.No. 14081 of 2022

S.Jagadish

.. Petitioner/Accused

Versus

1.The Inspector of Police
H3 Tondiarpet Police Station
Tondiarpet, Chennai
(Crime No.554/2018)

.. 1st Respondent/ Complainant

2.J.Jayanthi

.. Respondent/ Defacto Complainant

PRAYER:Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to the FIR in Cr.No.554 of 2018 on the file of the first respondent police and quash the same.

For Petitioner : Mr.R.Karthik

For Respondents : A.Gokulkrishnan for R1
Additional Public Prosecutor

Defacto Complainant (R2)

ORDER

This petition has been filed to quash the FIR filed for offences under Section 366(A) of IPC in Cr.No.554 of 2018 on the file of the respondent police.

2. The allegation in the FIR indicate that while the defacto complainant daughter was studying in first year in a college, the accused allegedly appears to have kidnapped. The defacto complainant was present before the Court, identified by the respondent police and she has stated that only 3 days away to complete the 18 years of age, when she left along with the accused. Thereafter, they married and now she do not want to proceed further against the accused.

3. Though the offence alleged appears to be serious in nature, it is purely a love affair between the Petitioner and

victim girl who is almost 18 years and it will not have any serious impact on the society. In such view of the matter, when the defacto complainant is not interested in proceeding the case and the marriage is also performed between the daughter and the accused at the relevant point of time, then continuing with the prosecution is a futile exercise.

4. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. is inclined to quash the case in FIR in Cr.No.554 of 2018 on the file of the first respondent police.

5. Accordingly, the FIR in Crime No. 554 of 2018 on the file of the Inspector of Police, H3 Tondiarpet Police Station, Chennai, is quashed and the Criminal Original Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dhk

To

1.The Inspector of Police
H3 Tondiarpet Police Station
Tondiarpet, Chennai

2.The Public Prosecutor
Madras High Court, Chennai.

+1cc to Mr.R.Karthik, Advocate, S.R.No.38018

Cr1.O.P.No.14081 of 2022

AJB(CO)
CT/11/07/2022