



CrI.O.P.No.14869 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

CrI.O.P.No.14869 of 2021

R.Satheeshkumar

... Petitioner

Vs.

1. The Inspector of Police,
Veeraganur Police Station,
Salem District.

2. Krishnasamyudaiyar

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C.,to call for records of the FIR in Cr. No.82/2019 on the file of the respondent police and quash the same.

For Petitioner : Mr. M.Rajendiran

For Respondent-1 : Mr.A.Damodaran, APP

ORDER

This Criminal Original Petition has been filed to call for records pertaining to Cr. No.82/2019 on the file of the respondent police and quash the same.



2. The case of the prosecution is that the sister's daughter of the *de facto* complainant who was studying in 12th standard suddenly disappeared two months prior to the date of receipt of complaint (i.e. 10.07.2019). Hence a complaint was lodged before the first respondent police and a case has been registered for 'Girl Missing'. The investigation reveals that it is the case of love affair and the sister's daughter of the *de facto* complainant by name Parameswari had been in love with one Satheesh Kumar and she was found in the company of Satheesh Kumar. After securing Parameswari, she was handed over to the *de facto* complainant. The said Satheesh Kumar and one another were charged for the offence under Section 366 A IPC.

2.1 The petitioner who is the accused in the case filed this petition by stating that the *de facto* complainant was in love with him for nearly two years; since the parents of Parameswari detained her at the house after coming to know about the love affair, she managed to escape from the house on 09.07.2019 and joined the petitioner; on 16.07.2021 both of the petitioner and Parameswari got married as per Hindu rites and customs and they were leading a happy and married life.



3. The petitioner and the *de facto* complainant are present today along with their child and stated that they are married and living a decent marriage life with their child.

4. When the respondent police came to know that it is not a case of kidnapping and the victim was not seduced by the accused to have sexual intercourse, it ought to have dropped further action. The Hon'ble Supreme Court has held in the case of ***Parbatbhai Aahir and other Vs. State of Gujarat*** reported in ***(2017) SCC 641*** that the jurisdiction of the High Court can be invoked under Section 482 Cr.P.C. in order to quash the proceedings on the ground that settlement arrived between the offender and the victim.

5. Even though the offences does not fall under the category of compoundable offences, the situation on the date of filing the complaint and the later developments would show that no useful purpose can be served if the accused is put on trial. Since the accused has got married to the victim girl after she had attained majority and they also have a child, it is ideal to allow them to live in peace.



6. Even though the Court can exercise its powers under Section 482

Cr.P.C., on the ground of settlement between the parties by invoking Section 482 Cr.P.C., it should be borne in mind whether the offence was personal in nature or offence against the society. The victim has not given any statement that she was subjected to forcible sexual relationship while she was in the company of the petitioner. The one and one offence for which was the petitioner was charged is under Section 366 A IPC. The victim girl himself has given a statement that she had eloped with the petitioner under her own volition, since her parents objected her love affair with the petitioner. After having come out of the house, it could not have been possible for the victim to go elsewhere on her own. Since the victim girl was in love with the petitioner, she had chosen to go along with him.

7. Records would show that the petitioner / accused have married the victim, after she attained the age of majority. When the petitioner and the victim does not have any vengeance or grievance against each other and settled their life between themselves, the Court has to allow them to live the life of their choice. In view of the above, I feel that it is an appropriate case where this Court should exercise its power under Section 482 Cr.P.C. to



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quash the FIR.

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9. Accordingly, the Criminal Original Petition is allowed and the FIR in Cr. No.82 of 2019 on the file of the first respondent police is hereby quashed.

Index: Yes/No
Speaking / Non Speaking Order
bkn

26.09.2022

To

1. The Inspector of Police,
Veeraganur Police Station,
Salem District.
2. The Public Prosecutor,
High Court of Madras.



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R.N.MANJULA, J.

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