



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25081 of 2021

Raja ... Petitioner/Accused

Vs.

1.State,
Rep. by the Inspector of Police,
Magudanchavadi Police Station,
Salem District. ...1st Respondent/Complainant

2.Amaravathi ...2nd Respondent/De-facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Special S.C.No.25 of 2019 pending on the file of the Mahila court at Salem and quash the same by allowing the present Criminal Original Petition.

For Petitioner : Mr.T.N.Rangesh Kanna

For Respondent No.1 : Mr.E.Raj Thilak
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to Special S.C.No.25 of 2019, pending on the file of the Mahila court, Salem and quash the same.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl. The defacto complainant has lodged a complaint on 11.10.2017, before the first respondent police stating that on 07.10.2017, at about 12 midnight, when her daughter, the victim girl Kiruthika came out of her house at the instigation of the accused, the accused came there and forcibly kidnapped her and took her to his lathe pattarai and forcibly had sexual intercourse with her twice by making false promise to marry her and forced her to return to home. On the complaint of the defacto complainant, FIR was registered in Crime No.417 of 2017, on 11.10.2017, for offences under Section 366 IPC and Section 4 of POCSO Act. Based upon the final report/charge sheet, the case was taken on file in



Special S.C.No.25 of 2019, by the Mahila Court, Salem. The petitioner was arrested and was enlarged on bail.

3. This Court considered the rival submissions and perused the materials available on record.

4. The parents of the victim girl are uneducated and when the victim girl was admitted in the school, she was over age. The School authorities on their own recorded her age as per their requirements. This fact was not known to the victim or her parents. They are very certain that she was born much earlier and the records are otherwise.

5. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. The petitioner and the second respondent herein arrived at a compromise and have entered into a Memorandum of Understanding dated 23.11.2021. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. This Court in the case of "Sabari Vs. 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.

7. In a similar situation in the case of "Kumar @ Tennish Vs. The Inspector of Police, Latheri Police Station, Katpadi Taluk, Vellore and another in CrL.O.p.No.16648 of 2018", this Court had quashed the proceedings on the compromise arrived between the accused and defacto complainant.

8. 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.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Special S.C.No.25 of 2019, pending on the file of the Mahila court, Salem, is hereby quashed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar



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To

1.The Judge,
Mahila Court,
Salem.

2.The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.N.Rangesh Kanna , Advocate, S.R.No.7065

CRL.O.P.No.25081 of 2021

KV(CO)
SB(28/02/2022)