



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.25980 OF 2021

Ayshwariya
D/o.Murugesan

...Petitioners

Versus

1.State Rep. by Inspector of Police,
All Women Police Station,
Perambalur.

2.R.Prabhakar

3.R.Valli

4.Raja

5.K.Sowtharya

6.Vijayakanth

7.Murugesan

8.M.Shanthi

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Crime No.33 of 2021 on the file of the first respondent and quash the same.

For Petitioners : Mr.T.Dharani

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor
for R1

O R D E R

The Criminal Original Petition has been filed to call for the records relating to Crime No.33 of 2021 on the file of the first respondent and quash the same.

2. The case of the prosecution is that the petitioner/victim and the 2nd respondent are close relatives and they were in love with each other and they had physical relationship. The petitioner being a minor at the time of occurrence, her parents shown resistance for marriage with 2nd respondent. Despite the



same, they got married, which was shocked to both the family members and the cordiality between them got disturbed. The 2nd respondent's act getting exposed, he felt ashamed and absconded himself. The petitioner on a wrong promise felt that the 2nd respondent deserted her, she lodged a complaint to the 1st respondent police. Now petitioner/victim girl is repenting and feeling sorry for her hardness and she wants to live with the 2nd respondent. The 2nd respondent is also willing to live with her husband and both needs to live as husband and wife. Hence, the petitioner filed this quash petition to quash the FIR against the 2nd respondent and others.

3. The petitioner is the victim girl who had lodged a complaint against her husband and cousin uncle and aunt and other relatives. Since she apprehended that the 2nd respondent in this case might settle down in foreign country and will not taken care to the family, the complaint was alleged by her in a haste manner. Thereafter, the 2nd respondent was arrested and even in her 164 statement, she has not made any allegations against 2nd respondent and she admitted that she was in love with the 2nd respondent who is her close relative. Now both are living happily. In the bail application of the 2nd respondent, she appeared and reiterated the compromise and thereafter bail was granted. The petitioner had given a letter for withdrawal of the case, now she is not inclined to pursue the case.

4. The case is still pending. By passage of time, the parties have decided to compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise dated 20.01.2022 has been filed before this Court which have been signed by the petitioner and the respondents 2 - 8 and Ramaraj A3 and by their respective counsel. The respondents and petitioner present through Video conferencing. In the affidavit, it has been stated that the petitioners and the respondents 2 - 8 have entered into a compromise and amicably settled their issues in Crime No.33 of 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 Cr1.110", 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 the light of the above decisions and considering the fact that the continuation of the proceedings would affect the peaceful life of the victim girl and the 2nd respondent, this Court is inclined to quash the proceedings against the respondents 2 to 8 in Crime No.33 of 2021, for the offences under Sections.294(b), 506(ii) of IPC and Sections 5(1), 5 (n) and 6 of Protection of Child from Sexual Offences Act, 2012 and Sections 9 & 10 of Prohibition of Child Marriage Act, 2006 and, is quashed.

9. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.33 of 2021, on the file of the 1st respondent police, against A1 to A8 is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order.

Encl.: Xerod copy of Joint Memo of
Compromise dated 20.01.2022

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

rkp

To

1.The Inspector of Police,
All Women Police Station,
Perambalur.

2.The Superintendent,
Central Prison,
Trichirapalli.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.T.Dharani, Advocate Sr.No.3476

CRL.O.P.No.25980 of 2021

MT (CO)
RVM(21/03/2022)