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Crl.O.P No.27191 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **08.11.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.27191 of 2022
and Crl.M.P.No.16715 of 2022

G.Manikandan

... Petitioner

Vs.

1. State represented by
The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai – 600 029.
(Cr. No.1316 of 2014)

2. V.Siva

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records connected with the F.I.R.in Crime No.1316 of 2014, on the file of the first respondent police herein and to quash the same.

For Petitioners : Mr. K.Poongkundran

For Respondent-1 : Mr. E.Raj Thilak
Additional Public Prosecutor



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Crl.O.P No.27191 of 2014



ORDER

This petition is filed to call for the entire records connected with the F.I.R. in Crime No.1316 of 2014, on the file of the first respondent police herein and to quash the same.

2. The case of the prosecution is that on a complaint given by the *de facto* complainant stating that her daughter is missing, investigation has been conducted and the enquiry revealed that the daughter of the *de facto* complainant and the petitioner were in love with each other and the petitioner had sexual intercourse with the daughter of the *de facto* complainant when she was minor. Hence a case was registered against the petitioner for the offences under Section 4 of Protection of Children from Sexual Offences Act-2012 @ 376 IPC.

3. When the matter is taken up today, the learned counsel for the petitioner submitted that the victim girl had chosen to marry the petitioner and the matter has been amicably settled between themselves and the victim girl and the defacto complainant have filed an affidavit before this Court to quash



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the investigation pending in Cr. No.1316 of 2014. It is further stated in the affidavit that the petitioner had married the victim girl with her consent after she attained majority on 10.06.2015 and the marriage has also been registered in the office of Registrar of Chennai North Joint-I, in Registration SL.No.2084/2015. The marriage registration certificate is also produced before this Court and perused.

4. The *de facto* complainant who is the father of the victim girl, the petitioner and the victim are present today and agreed that they have settled the dispute. The petitioner, defacto complainant and the victim girl were identified by Ms.K.Devi, WSSI, W7, All Women Police Station, Anna Nagar, Chennai. They accepted that the statements in their affidavit are true and have understood the contents of the affidavit and signed it by themselves without any coercion or influence.

5. The petitioners have got two male children aged 6 years and 1 ½ years respectively. The petitioner states that he is a carpenter and is taking care of the family. The victim girl has also stated that she is living a peaceful married life with the petitioner and the children and hence she does not want



to pursue the matter further. The father of the *de facto* complainant who is the second respondent has stated that his daughter is living peacefully with the petitioner and hence, further proceedings can be dropped.

6. Since the victim herself had opted to marry the petitioner with whom she had a love affair and they have also got two male children out of their marriage, it is appropriate to allow them to live in peace. Even though the petitioner has been charged for the offence under Section 4 of Protection of Children from Sexual offence Act 2012 and offences under Section 376 IPC, which are non-compoundable in nature, no useful purpose will be served in view of the compromise between the parties and the nature of relationship between the victim and the petitioner. 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)**, this Court in exercise of power under Section 482 Cr.P.C. prefers to quash the proceedings in Crime No.1316 of 2014, on the file of the 1st respondent.



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7. In the result, this Criminal Original Petition is allowed and as a sequel, the further proceedings in Crime No.1316 of 2014 on the file of the 1st respondent, is quashed in view of the affidavits filed by the defacto complainant and the victim girl. The affidavits filed by the defacto complainant and the victim girl dated 31.10.2022, shall form part of this order . Consequently, connected miscellaneous petitions are closed.

08.11.2022

Index : Yes/No
Speaking Order : Yes / No

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To:

1. The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai – 600 029.
2. The Public Prosecutor,
Madras High Court.



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R.N.MANJULA, J.,

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