



CRL OP(MD). No.17996 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

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A.Muthusamy

... Petitioner/Sole Accused

Vs

**1.The State represented by its,
The Inspector of Police,
All Women Police Station,
Vilathikulam,
Thoothukudi District.**

... 1st Respondent/Complainant

**2.xxxxxxxxxx,
Vilathikulam,
Thoothukudi District.**

... 2nd Respondent/Defacto Complainant

For Petitioner : Mr.C.Susi Kumar

For R1 : Mr.S.Manikandan

Government Advocate (Crl.Side)

For R2 :Mr.R.Maheswaran

**PRAYER :-Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the entire proceedings of the charge sheet in
Spl.S.CNo.72 of 2019 pending on the file of the Learned Mahila Court at
Thoothukudi and quash the same.**

1/5



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ORDER

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This Criminal Original Petition is filed to quash the charge sheet in Spl.S.CNo.72 of 2019 pending on the file of the Learned Mahila Court at Thoothukudi

2.Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the first respondent and the learned counsel appearing for the second respondent.

3.The learned counsel appearing for the petitioner submitted that a complaint was given by the de-facto complainant, who is the mother of the victim girl. Based upon that, FIR was registered and it was taken on file as Spl.S.CNo.72 of 2019 pending before the Mahila Court, Thoothukudi. Now, the victim girl became major and she is the maternal uncle's daughter of the petitioner. Both the family members agreed to arrange marriage and they got married on 14.03.2022. At the intervention of the elder people, the mother of the victim girl has also not interested to proceed with the complaint filed against the petitioner.



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4.The defacto complainant, victim girl and the petitioner were appeared in person before this Court. When this Court enquired the victim girl, she admitted that she married the petitioner on 14.03.2022 and they are living together peacefully. The defacto complaint also appeared and admitted that the petitioner is her own brother's son and now, on the advise of the elder persons, the marriage was arranged and both of them are living happily and the defacto complainant is not interested to proceed with the complaint against the petitioner so that she wants to quash the proceedings.

5.The learned Government Advocate (Criminal Side) for the first respondent raised objections stating that the case is filed under the Special Act so that it cannot be quashed as prayed for.

6.On seeing the fact that as per the ratio laid down by the Hon'ble Supreme Court in the case of ***Parbathbhai Aahir @ Parbathbhai-vs-State of Gujarath, reported in (2017) 9 SCC 641***, wherein, the proceedings were quashed even though the case filed under Special Act and they are close relatives and they got married and are living



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peacefully, in such circumstances, the proceedings against the petitioner cannot be continued.

7. Accordingly, the proceedings against the petitioner in Spl.S.CNo.72 of 2019 is quashed. However, liberty is given to the defacto complainant to re-open the case if there is misfortune happened in the family. The criminal original petition is allowed.

07.10.2022

Ns/sn
Index: Yes/No
Internet: Yes/No

To

1. The Inspector of Police,
All Women Police Station,
Vilathikulam,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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T.V.THAMILSELVI,J

Sn/Ns

ORDER
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