



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6309 of 2021

And

Crl.M.P.No. 4184 of 2021

1. R.Suman

2. A.Suresh

3. Kathirasan

... Petitioners /Accused 1 to 3

Vs

1. The State

Rep. by Inspector of Police

Vaduvoor Police Station

Vaduvoor, Thiruvarur

... Respondent/Complainant

2. Mrs.Amutha

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the P.R.C.No. 20 of 2020 on the file of Judicial Magistrate's Court No.1, Mannargudi and quash the same.

For Petitioners : Mr. G.Peranban

For 1st Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

For 2nd Respondent: No appearance

**ORDER**

The petitioners seeks to quash the final report in P.R.C.No. 20 of 2020 on the file of Judicial Magistrate's Court No.I, Mannargudi, under Section 366-A of Penal Code.

2. It is alleged that the petitioners had procured the victim girl with the intent that she will be forced to illicit intercourse.

3. (i) The learned counsel for the petitioner would submit that subsequent to the registration of the First Information Report, the first petitioner and the victim girl got married on 16.09.2018. In fact, after the registration of the First Information Report, the petitioners filed a Petition for anticipatory bail and in the said anticipatory bail, the victim had filed an affidavit stating that she was not kidnapped by the petitioners and the case was falsely registered at the instance of the de-facto complainant/her mother. Recording the said affidavit, this Court had granted anticipatory bail.



WEB COPY (ii). The learned counsel submitted that this Court in Crl.O.P.No.

29690 of 2018 had made the following order dated 19.12.2018:-

“3. In view of the fact that the petitioner has already married the accused person. The respondent police is directed to complete the investigation within a period of one month and file the final report or closure report, as the case may be.”

(iii). The learned counsel further submitted that the respondent police without examining the victim/ minor girl had filed the impugned final report.

4. The defacto complainant / mother of the victim inspite of receipt of notice has not chosen to enter appearance.

5. The learned Government Advocate (Crl. Side) would submit that the victim girl, at the time of the occurrence was a minor and there are materials in the impugned final report to show that the victim was procured



by the petitioners; that the case was investigated on the basis of the complaint of the victim mother and that; the points raised by the petitioners have to be adjudicated during trial. He hence prayed for dismissal of the quash petition.

6. This Court finds that admittedly the victim is now married to the first petitioner. This is evident from the order passed by this Court dated 23.10.2018 in CrI.O.P.No. 23374 of 2018. This Court further finds that subsequent to the said dismissal of the quash petition, the victim girl filed an affidavit before this Court in the anticipatory bail petition, stating that she had voluntarily gone with the first petitioner. That apart, this Court in CrI.O.P.No. 29690 of 2020 had observed that the police shall complete the investigation and file the final report or closure report as the case may be. This order is extracted above. In the impugned final report, this Court finds that the victim has not been examined at all. The prosecution cannot establish the offence under Section 366-A without examining the victim. Further, in view of the admitted fact that the first petitioner and the victim girl are living together as husband and wife, no useful purpose will be served in keeping the proceedings pending before the trial Court. Hence, for



the above reasons, the proceedings are liable to be quashed.

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7. In view of the above, this Criminal Original Petition is allowed and the impugned proceedings in P.R.C.No. 20 of 2020 against the petitioners are quashed. Consequently, connected Miscellaneous Petition is closed.

8. The learned counsel for the petitioners would submit that the respondent during investigation seized certain documents from the custody of the petitioners. It is open to the petitioners to seek return of the same by filing appropriate petition before the trial Court.

17.03.2023

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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SUNDER MOHAN. J.

vsg

To

1. The Inspector of Police
Vaduvoor Police Station
Vaduvoor, Thiruvarur
2. The Public Prosecutor,
High Court, Madras.

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