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Crl.O.P.No.22498 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN,

Crl.O.P.No.22498 of 2023

and

Crl.M.P.No.15698 of 2023

1. Chinna Manickam

2. Suganesh

3. Mahendran

... Petitioners

/vs/

1. The State of Tamilnadu,
rep. By Inspector of Police,
Thoppur Police Station,
Dharmapuri District

2. Ravi

... Respondents

Prayer : Criminal Original Petition has been filed under section 482 of Cr.P.C. to call for the records and quash the charge sheet/final report dated 29.06.2017 filed in Spl.S.C.No.42 of 2017 on the file of the learned Fast Track Mahila Court, Dharmapuri.

For petitioner ... Mr. R.Selvakumar



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For respondents ... Mr. S. Udaya Kumar,
Government Advocate (crl.side)
for R1

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in Spl.S.C.No.42 of 2017 on the file of the Fast Track Mahila Court, Dharmapuri.

2. On 28.02.2017, Thoppur Police registered F.I.R in Crime NO.56 of 2017 on the complaint given by one Ravi S/o. Dhanapal alleging that the petitioners herein have kidnapped his minor daughter, who was pursuing 12th standard. Consequence to this complaint, investigation was taken up by the police and final report was filed on 22.06.2017 and the case made over to the Fast Track Mahila Court, Dharmapuri in Spl.S.C.No.42 of 2017. The Trial is almost completed and matter is at the stage of questioning the accused regarding incriminating evidence as spoken by the witnesses under Section 313 Cr.P.C.



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3. The learned counsel appearing for the petitioners submitted that the prosecution witnesses, who are defacto complainant, his wife and daughter, who is the victim of the alleged crime invariably deposed that the first accused and the minor girl were in love and they got marry and presently they are blessed with 3 children and living happily. In the said circumstances, the learned counsel submits that if the trial is allowed to be completed and the accused are found guilty, it will be miscarriage of justice and a well settled peaceful family will get disturbed and prayed that in exercise of inherent power of High Court to meet the ends of justice, the prosecution against the petitioners may be allowed to be quashed.

4. The learned Government Advocate (crl.side) for R1 submitted that D.Ravi, who is the defacto complainant and father of the victim girl, in the cross examination admitted that his daughter on her own consent married the first accused. The victim girl had attained majority on the day, when she was examined and deposed that on the date of occurrence, she has completed 16 years of age and she voluntarily left the maternal home with the accused and got married. Even after lodging the complaint by her father, she continued to live with the first accused and presently, she is mother of three children. Specifically, she has deposed that she was not kidnapped by the first accused



and she went along with him on her own. She has stated that her date of birth is 10.06.2000. The alleged incident has taken place on 26.02.2017.

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Section 366-A IPC reads as follows:

“ Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.”

From the evidence, it is clear that the girl was less than 18 years old on the date of occurrence. However, there is no material to show that she was forced or seduced to illicit intercourse with another person. The first accused in this case has married the victim girl and living with her peacefully and that has been spoken by all the witnesses examined by the prosecution. With the available evidence, further proceedings by the Trial Court will only be an empty formality and any order passed adverse to the petitioners will not only affect the petitioners/accused, but also the victim girl. The judgment cannot be penalising the victim and her children.



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5. Therefore, this Court is of the view that it is a fit case to exercise the inherent power to prevent miscarriage of justice and give quietus to the issue by quashing the complaint/charge sheet in Spl.S.C.No.42 of 2017 pending on the file of the Fast Track Mahila Court, Dharmapuri.

6. Accordingly, Criminal Original Petition is allowed and the complaint/charge sheet in Spl.S.C.No.42 of 2017 pending on the file of the Fast Track Mahila Court, Dharmapuri is hereby quashed. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet: Yes/No
mrp

04.10.2023

To

The Sessions Judge,
Fast Track Mahila Court,
Dharmapuri.



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G.JAYACHANDRAN, J.

mrp

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