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CrI.O.P.No.1532 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.O.P.No.1532 of 2023

D.Anand

... Petitioner

Vs.

1.The State Represented by,
The Inspector of Police,
W-24, AWPS, Teynampet,
Chennai.
(Crime No.312/2021)

2.Amul

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.
praying to call for the records relating to the FIR in Crime No.312 of 2021
pending investigation on the file of the respondent police and quash the same.

For Petitioner : Mr.D.Bharathy

For Respondent : Mr.S.Santhosh
Government Advocate (CrI. Side)



ORDER

WEB COPY This Criminal Original Petition is filed to call for the records relating to the FIR in Crime No.312 of 2021 pending investigation on the file of the respondent police and quash the same.

2. When the matter is taken up for hearing, petitioner and second respondent/defacto complainant are present in person before this Court and they were identified by **Ms.P.Sasikala, WSSI, W-24, AWPS, Teynampet, Chennai.**

3. Originally FIR in Crime No.312 of 2021 was registered as Girl Missing. It is alleged by the second respondent / defacto complainant that her daughter, who was aged 17 years, was missing from the afternoon of 06.08.2021. Subsequently, an alteration report was filed and FIR was altered for the offences under Section 366 of I.P.C. and Section 5 (J) (ii) r/w Section 6 of POCSO Act, 2012. As per the alteration report, the accused Anand had kidnapped the victim girl and married her at Kundrathur on 08.08.2021 and had sexual relationship with the victim girl.



4. The petitioner / accused and the second respondent / defacto complainant, Mother of the victim girl, filed Joint Compromise Memo stating that the petitioner and the second respondent's daughter Kokila were in love with each other and they got married without the knowledge of the second respondent. Now, a male child was born to them. They got married and their marriage was also registered with the District Registrar of Mylapore on 01.03.2023.

5. The victim girl has now attained majority. She has also filed consent Affidavit stating that she married the petitioner and has a male child through him. The defacto complainant and the victim girl do not want to prosecute the petitioner and they have no objection for quashing the FIR in Crime No.312 of 2021.

6. Considering the entire facts of the case, wherein the victim girl was aged 17 years at the time of the elopement with the petitioner, married the petitioner and has a male child, and that the Defacto complainant and the victim girl do not want to prosecute the petitioner, this Court is inclined to entertain this Petition.



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7. 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 Gujraath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.312 of 2021.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.312 of 2021, on the file of the first respondent police is quashed and the terms of joint compromise memo of the parties and the consent affidavit filed by the victim girl shall form part and parcel of this order.

20.03.2023

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes / No



Crl.O.P.No.1532 of 2023

To:

1.The State Represented by,
The Inspector of Police,
W-24, AWPS, Teynampet,
Chennai.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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