



Crl.A.No.115 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

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State by,
The Inspector of Police,
All Women Police Station,
Chengalpet.
(Crime No.4 of 2014)

... Appellant

Vs.

G.Narayanan

... Respondent

Prayer: Criminal Appeal filed u/s.378 of the Code of Criminal Procedure, seeking to allow the appeal and set aside the order of acquittal of the respondent / accused in S.C.No.13 of 2015 on the file of the Mahila Court, Chengalpattu dated 27.06.2018 and convict the respondent / accused for the charges framed against him.

For Appellant : Mrs.G.V.Kasthuri
Additional Public Prosecutor

For Respondent : No appearance



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JUDGEMENT

This Criminal Appeal has been filed by the appellant seeking to set judgement dated 27.06.2018 passed by the learned Mahila Court, Chengalpet in S.C.No.13 of 2015.

2. The case of the prosecution is that, the respondent/accused belongs to Chinnechenkundram and he developed acquaintance with the *de-facto* complainant/Gomathi. On 16.02.2014, the respondent contacted the victim through mobile and compelled her to come to bus stand and he abducted the victim from the bus stand in his motor cycle to Anumanthapuram and he had sexual intercourse on the false promise of marry her. Thereby, the victim became pregnant, when she informed the same to the respondent, he denied the paternity and threatened her. Therefore, she lodged a complaint as against the respondent and a case was registered against the respondent for the offences u/s 366, 365, 376(1), 417 and 506(i) of IPC in Crime No.04 of 2014 and after trial, the trial court acquitted the respondent/accused, against which, the present appeal has been filed.



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3. When the case was taken up for hearing today, learned counsel appearing for the respondent submitted that, during the pendency of this appeal, the respondent married the victim on 17.06.2024, and they are living happily along with their minor son.

4. The respondent/accused and the victim namely, Gomathi along with their minor son are present today before this Court and they were identified by Additional Public Prosecutor and the law enforcing agency. The statements of the respondent and the victim recorded by the appellant police dated 22.07.2024 has been filed before this Court, which has been duly signed by the respondent and the victim.

5. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The parties have reiterated that they have married on 17.06.2024 and living happily along with their minor son.

6. Heard the learned counsel appearing for the parties and



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perused the materials available on record.

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7. In the present case, the offences in question are purely individual/personal as it involves the respondent and the victim. Quashing the proceedings will not affect any overriding public interest in this case and it will in fact pave way for the respondent and the victim to settle down in their life and look for better future prospects. No useful purpose will be served in keeping this appeal pending or giving a verdict one way or the other, which will only swell the mental agony of the respondent and the victim and the child born from the said wedlock.

8. Further, it has been the consistent view of the Courts that as against the order of acquittal, the appellate court should be slow in interfering with the same. Considering the fact and circumstances of the case and the marriage that had taken place between the accused and the victim and their happy married life till date, this Court is of the considered view that the judgment of acquittal recorded by the court below does not warrant any interference at the hands of this Court.



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9. In view of the above, the criminal appeal is dismissed. The statements recorded by the appellant police dated 22.07.2024 shall form part of the records.

25.07.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

The Mahila Court, Chengalpattu.



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M.DHANDAPANI, J.

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