



Crl.O.P No.2652 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.2.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P No.2652 of 2024
& Crl.M.P.No.1908 of 2024

Mr.Surya

...Petitioner

Vs.

1.State rep. by
The Inspector of Police,
All Women Police Station-W13,
Old Washermenpet,
Chennai-21.

2.Mrs.Iyammal

...Respondents

Petition under Section 482 of the Criminal Procedure Code praying to call for the records in Special S.C.No.151 of 2022 on the file of the Court of Sessions Judge, Mahila Court, Chennai and to quash the same.

For Petitioner : Mr.G.Krishnamurthy
For R1 : Mr.A.Gopinath, GA (Crl.Side)

ORDER

This petition has been filed seeking to quash the proceedings in Special S.C.No.151 of 2022 on the file of the Court of Sessions, Mahila Court, Chennai.



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

3. The petitioner is facing trial before the Court below for the offence under Section 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

4. The case of the prosecution is that the petitioner had a love affair with the victim girl and on the promise of marrying her, he had sexual intercourse with her resulting in her pregnancy and delivery of a child. Thereafter, the petitioner did not evince interest and a complaint came to be filed by the second respondent, who is none other than the mother of the victim girl. Based on that, a first information report was registered in Crime No.14 of 2020 on the file of the first respondent. After completion of the investigation, the final report was filed before the Court below and it was taken on file as Special S.C.No.151 of 2022.



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5. When the matter came up for hearing on 09.2.2024, this Court passed the following order :

"The learned counsel for the petitioner submitted that there has been absolutely no progress in this case from the year 2022 onwards since the victim girl and her family are not able to be traced. That apart, the learned counsel further submitted that the DNA report shows that the petitioner is not the biological father of the child delivered by the victim girl.

2.The learned Government Advocate (Crl.Side) seeks for some time to take instructions in this case. Post this case under the same caption on 16.2.2024."

6. When the matter is taken up for hearing today, the victim girl was present before this Court. She would state that she had a love affair with the petitioner, that later, she married another person and that there is a child born through the marriage. She also made it clear that the child that was delivered by her was not through the petitioner and that she and her mother are not interested in prosecuting the case. She requested this Court to close the criminal proceedings. This is recorded.

7. Under such circumstances, no useful purpose will be served in keeping the case pending, even though the offences involved are



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not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court in the case of **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath [reported in 2017 (9) SCC 641]** and after exercising due caution as advised by the Hon'ble Supreme Court in the case of **State of Madhya Pradesh Vs. Dhruv Gurjar and Another [reported in (2019) 2 MLJ (Crl.) 10]**, this Court, in exercise of its jurisdiction under Section 482 of the Criminal Procedure Code, is inclined to quash the case in Special S.C.No.151 of 2022 on the file of the Court of Sessions, Mahila Court, Chennai

8. Accordingly, the Criminal Original Petition stands allowed and as a sequel, the proceedings in Special S.C.No.151 of 2022 on the file of the Court of Sessions, Mahila Court, Chennai is quashed. Consequently, the connected Crl.M.P is closed.

26.2.2024

To

- 1.The Court of Sessions, Mahila Court, Chennai.
- 2.The Inspector of Police,
All Women Police Station-W13,
Old Washermenpet, Chennai-21.
- 3.The Public Prosecutor, High Court, Madras.



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N.ANAND VENKATESH,J
RS

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