

Voluntary abandonment of home by a minor girl would not amount to kidnapping, and that in the absence of some active involvement, the appellant could not be said to have ‘taken’ or ‘enticed’ the prosecutrix

Voluntary abandonment of home by a minor girl would not amount to kidnapping, and that in the absence of some active involvement, the appellant could not be said to have ‘taken’ or ‘enticed’ the prosecutrix.

Varadarajan v. State of Madras, (1965) 1 SCR 243.

Distinguished in [#2021 SCeJ 141](#)

17. The ratio of S. Varadarajan (supra), although attractive at first glance, does little to aid the appellant’s case. On facts, the case is distinguishable as it was restricted to an instance of “taking” and not “enticement”. Further, this Court in S. Varadarajan (supra) explicitly held that a charge of kidnapping would not be made out only in a case where a minor, with the knowledge and capacity to know the full import of her actions, voluntarily abandons the care of her guardian without any assistance or inducement on part of the accused. The cited judgment, therefore, cannot be of any assistance without establishing: first, knowledge and capacity with the minor of her actions; second, voluntary abandonment on part of the minor; and third, lack of inducement by the accused.