

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.16394 of 2015
& MP.Nos.1 and 2 of 2015

R.Baskaran .. Petitioner/Respondent

Vs

Ramadoss .. Respondent/Petitioner.

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records relating to Crl.M.P.No.32 of 2015 on the file of the Chief Judicial Magistrate, Ariyalur and quash the same.

For Petitioner :Mr.Immanuel Prakasam

ORDER

This Criminal Original Petition has been filed to call for the entire records relating to Crl M.P.No.32 of 2015 on the file of the Chief Judicial Magistrate, Ariyalur, and quash the same.

2. Heard the learned counsel for the petitioner.

3. It is seen that information was received by the District Collector, that child marriage is being conducted and the Collector had instructed the Social Welfare Officer to conduct an enquiry and the allegation was found to be true. One Ms.Anitha, who is a minor was to marry one Mr.Ganesan on 29.05.2015. This was brought to the notice of the District Collector and the marriage was prevented. The girl was rescued and she was produced before the Child Welfare Committee. The Child Welfare Committee directed the girl to be kept in the Observation Home. In the meantime, one Mr.Ramadoss, who is the father of the girl has filed an application before the learned Chief Judicial Magistrate, Ariyalur in CMP No.32 of 2015 seeking custody of the child. The learned Chief Judicial Magistrate, Ariyalur has taken the petition on file and has issued notice to the Child Welfare Committee to produce the relevant documents before him. He has also called for a report from the Protection Officer. This order of the learned Chief Judicial Magistrate, Ariyalur is challenged in this petition on the ground that, the learned Chief Judicial Magistrate has no Authority to initiate the proceedings.

4. The learned counsel for the petitioner would submit that under Section 67 of the J.J. Act, the officers are protected against any suit or legal proceedings. There is no quarrel with the submission of the learned counsel that all the officials are protected against legal proceedings, in respect of the acts done by them in the course of their official duty.

5. In this case, the learned Chief Judicial Magistrate, Ariyalur has not taken any criminal action against the petitioner. He has only issued notice to the petitioner to produce certain documents for the purpose of passing orders on the objection filed by Ramadoss. Hence, the proceedings of the learned Chief Judicial Magistrate, Ariyalur cannot be said to be wholly illegal. The petitioner may send all the required documents through a messenger to the Court of the learned Chief Judicial Magistrate, Ariyalur and if any clarification is required by the learned Magistrate, the petitioner may appear before the learned Chief Judicial Magistrate, Ariyalur and give the clarification.

6. This Criminal Original Petition is closed with the above direction. Consequently, connected miscellaneous petitions are also closed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Chief Judicial Magistrate,
Ariyalur

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. P. Immanuel Prakasam, Advocate SR 33140

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