

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.23634 of 2015

and M.P.Nos.1 to 2 of 2015

1.Manikandan
2.Karuppayee
3.Anjalai
4.Arumugam
5.Mookkan
6.Kamatchi

... Petitioners

Vs

State by Inspector of Police
All Women Police Station
Perambalur District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records pertaining to S.C.No.17 of 2015 on the file of Mahila Court, Perambalur District and quash the same.

For Petitioners : Mr.B.Kumarasamy

For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to call for the entire records pertaining to S.C.No.17 of 2015 on the file of Mahila Court, Perambalur District and quash the same.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. It is the case of the prosecution that Manikandan [A1] was in love with Prema and he has been consistently promising to marry her, and on that pretext, he has been having physical affair with her. It is alleged by Prema that on 07.07.2014, Manikandan took her to his house and tied a thali in front of his father's photo and had sex with her. When the family members of Manikandan came home, they did not approve of this and they chased Prema from the house. Thereafter, the family members of Manikandan solemnised his marriage with one Saranya, who is the daughter of Mookkan [A5] and Kamatchi [A6]. It is alleged by the prosecution that Saranya was a minor and her marriage was performed with Manikandan on 09.03.2015.

5. Today, Manikandan and Saranya are present before this Court and Saranya produced her Adhar Card, who shows that she was born on 10.04.1997. Admittedly, Mookkan and Kamatchi, who are the parents of Saranya were not in any way responsible for Manikandan to have affair with Prema. Therefore, it will be a travesty of justice if Mookkan and Kamatchi are tried along with Manikandan for the larger offence of Manikandan having cheated Prema.

6. Under such circumstances, the prosecution as against Mookkan [A5] and Kamatchi [A6] in S.C.No.17 of 2015 is hereby quashed. As regards the other petitioners, there are sufficient materials for the trial to proceed against and hence, this petition stands dismissed as against them. It is always open to the accused to raise all the available defence before the trial Court.

Accordingly, this petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

Gms

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police
All Women Police Station
Perambalur District.
2. The Presiding Officer,
Mahila Court,
Perambalur District.
3. The Public Prosecutor,
High Court, Madras.

+1 C.C. To MR.B.Kumarasamy Advocate in SR.NO.54150

Cr1.O.P.No.23634 of 2015

RV(CO)

sd : 29/10/2015