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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Crl.O.P.(MD)No.16216 of 2014

and

MP(MD)No.1 of 2014

Ilayaraja

... Petitioner/Accused No.1

Vs.

1.State rep. By
The Inspector of Police,
All Women Police Station,
Keeranoor,
Pudukkottai District.
(Crime No.7 of 2013)

... 1st Respondent/Complainant

2.Vallikkannu

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records in Special S.C.No.4 of 2014 pending before the Mahila Court, Pudukkottai and quash the same with regard to the petitioner and pass such further or other orders as this Court may deem fit and proper in the circumstances of this case.

For Petitioner : Mr.P.Muthusamy
For R2 : Mr.G.Thalaimutharasu
For R1 : Mrs.S.Prabha
Govt. Advocate (Crl.side)

O R D E R

This Criminal Original Petition is filed seeking to quash the case in S.C.No.4 of 2014 on the file of the Mahila Court, Pudukkottai.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the State and the learned counsel appearing for the second respondent.

3. The petitioner is arrayed as the first accused in S.C.No. 4 of 2014 for the alleged offences 376(1), 506(ii), 366, 496 r/w 34, 109 IPC. He has come forward with this petition to quash the said case. The allegation against this petitioner is that he has committed the alleged offence of sexual intercourse with a minor girl aged 14 years.



4. The learned counsel for the petitioner submitted that it is the family of the victim who had arranged the marriage and the petitioner was ready and willing to marry her.

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5. The learned counsel appearing for the second respondent/victim girl submitted that the family of the victim was not ready for the marriage in view of the antecedents of the petitioner. Further, submission is made that Non Bailable Warrant was issued against the petitioner and thereafter the same was recalled and the case is ready for trial.

6. This Court is not inclined to accept the contention of the learned counsel for the petitioner that the petitioner is ready to marry the victim girl at this stage. The allegation is that the petitioner has committed the alleged offence at the age of 14 years. The question as to whether the petitioner has committed the alleged offence or not is matter for trial and the victim girl is now aged 15 or 16 years old. Therefore, there is no question of marriage as submitted by the learned counsel for the petitioner. Even assuming that some of the members of the victim were responsible for accepting the marriage after commission of alleged offences, the same cannot be the ground to quash the proceedings by taking note of the fact that the victim is aged 14 years at the relevant point of time. Hence, this petition is dismissed. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Sessions Judge, Mahila Court, Pudukkottai.

2.The Inspector of Police,

All Women Police Station, Keeranoor, Pudukkottai District.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

CrI.O.P. (MD) No.16216 of 2014
and M.P. (MD) No.1 of 2014

09.06.2015