

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.29079 of 2017

John Andrew MACfarlane

...Petitioner

Vs.

1.Union of India

Rep. By its Inspector of Police
Muthialpet Police Station,
Muthialpet, Pudcherry(Cr.No.31 Of 2017)

2. Tmt Vijayalakshmi

....Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to final report dated 19.07.2017 in crime no. 31 of 2017 pending on the file of the Inspector of Police, Muthialept Police Station, Muthialpet, Pudcherry and quash the same in respect of the petitioner herein alone and pass orders.

For Petitioner : Mr.S.Sairaman

For Respondents 1 : Mr.V.Balamurugane
Additional Public Prosecutor

For Respondents 2 : Mrs. Raja Rao (party in person)

ORDER

The petitioner has been arrayed as first accused in Charge sheet No.32 of 2017. The overt act as against this petitioner in the complaint is that he had married the victim girl on 17.06.2016 with her consent, in the presence and blessings of the accused nos.2 to 5. At the time of marriage the victim girl was aged about 17 years 8 months and hence, her consent was invalid.

2. The learned Government Advocate(Crl Side) submits that it is the case where the victim girl has fallen in love with the petitioner herein, who has been arrayed as A1. Since the girl was minor at that time of marriage, the offence under Section 17 of the POCSO (Protection of children from Sexual Offences Act 2012) has been made out.

3.In normal circumstances, this Court would not be inclined to compound the offences. Nevertheless, it is now brought to my notice that the petitioner herein and the victim girl aged about 19 years, are living together and through their wedlock, a girl child was born to them.

4.This Court does not intend to go into the validity of the sanctity of the marriage conducted. Nevertheless, taking into consideration about the future of the newly born child, I am constrained to refrain myself from making any further comments on the entire episode. In the result, the Criminal Original Petition is allowed and the Charge Sheet No.32 of 2017 on the file of learned special Judge under (Protection of children from Sexual Offences Act 2012) Principal Sessions Judge, Puduchery is hereby quashed. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

smn

To.

1.The Inspector of Police
Muthialpet Police Station,
Muthialpet, Pudcherry (Cr.No.31 Of 2017)

2.The Public Prosecutor,
High Court Madras.

+1cc to Mr.M.Baskaran, Advocate, S.R.No.3774

+1cc to the Government Pleader, S.R.No.4048

+1cc to Mr.J.Raja Rao, Advocate, S.R.No.3775 (15/02/2018)

Cr1.O.P.No.29079 of 2017

RRK(13/02/2018)

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