

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. No.24167 of 2018

and

CrI.M.P. Nos.13690 and 13693 of 2018

C.Kuppusamy

... Petitioner

Vs.

State represented by

1.The Inspector of Police,
All Women Police Station,
Neyveli, Cuddalore District.

2.C.Muthu Lakshami

.... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the charge sheet in Spl. S.C. No.20 of 2015 on the file of the learned Sessions Judge, Mahila Court, Cuddalore.

For Petitioner : Mr.C.D.Johnson

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

: Mr.R.Chandrasekaran for R2

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ORDER

This petition has been filed seeking to quash the proceedings in Spl. S.C. No.20 of 2015, pending on the file of the learned Sessions Judge, Mahila Court, Cuddalore.

2.The case of the prosecution is that the second respondent who was a minor was forcibly married to the petitioner. On the basis of the complaint, an FIR was registered by the respondent police and on investigation a final report has been filed for an alleged offence under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, Sections 5(c) r/w 6, 5(1) r/w 6, 9(1) r/w 10,16 r/w 17 of POSCO Act, 2012 and 354(b), 372, 373 r/w 109, 494, 495 and 506(i) of I.P.C.

3.When the matter came up for hearing during the last occasion, the learned counsel for the petitioner submitted that there was a dispute between the petitioner and his wife and the petitioner's wife has forced the de-facto complainant to give a false complaint against this petitioner as if this petitioner had married her. This Court wanted to verify the said fact and therefore directed notice to the second respondent. The second respondent is represented by a counsel. The second respondent was also present in person before this Court today (i.e.,22.11.2018). This Court specifically questioned the second respondent about the incident and she categorically told this Court that she has absolutely no contact with the petitioner and no such marriage ever took place between the second respondent/de-facto complainant and the petitioner. She further stated that she was working in the house of the petitioner as cook and she was made to sign in a blank sheets by the wife of the petitioner. When the second respondent questioned the wife of the petitioner, she was threatened and she was told to cooperate with the investigation. The second respondent is now aged about 23 years and she clearly states that no such incident took place as alleged by the prosecution and therefore she is not interested in pursuing with the case.

4.It is seen that the petitioner was working as an Assistant Engineer at Public Works Department. Due to the pendency of the proceedings, he was also suspended. From the entire records, it can be seen that there is a serious dispute between the petitioner and his wife and it has been going from the year 2013 and it is pending even today. Unfortunately, the second respondent has been used in this case to settle scores.

5.This Court is of the considered view that no useful purpose will be served by keeping the proceedings pending and it will only cause more agony to the accused person ultimately. There is absolutely no ground for the prosecution to sustain the case, in view of the specific stand taken by the second respondent.

6.In the result, the proceedings in Spl. S.C. No.20 of 2015, pending on the file of the learned Sessions Judge, Mahila Court, Cuddalore is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

ia/nmm
To

- 1.The learned Sessions Judge,
Mahila Court, Cuddalore.
- 2.The Inspector of Police,
All Women Police Station,
Neyveli, Cuddalore District.
- 3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Chandrasekaran, Advocate SR.No.80117

+1cc to Mr.C.D.Johnson, Advocate SR.No.79865

CRL.O.P.No.24167 of 2018

SSD(CO)
GMY(13/12/2018)

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