



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Crl.O.P(MD).No.16058 of 2018

and

Crl.M.P. (MD)No.7114 and 7115 of 2018

WEB COPY

Karunaisamy

... Petitioner / Accused No.7

Vs

1.The State Rep. by
The Inspector of Police,
Usilampatty Taluk Police Station,
Madurai District.
(Crime No.279 of 2016)

... 1st Repondent / Complainant

2.Nagajothi

... 2nd Respondent / Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C. to call the records pertaining to the C.C.No.87 of 2017, on the file of the learned District Munsif-cum-Judicial Magistrate Usilampatti, Madurai District and quash the same as against the petitioner.

For Petitioner

: Mr.Ramesh
for Mr.G.Sakthirao

For R1

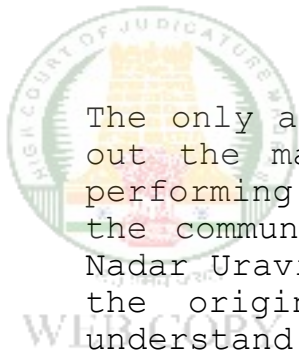
: Mr.A.Robinson
Government Advocate (Crl. side)

ORDER

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

2.The petitioner is facing trial in C.C.No. 87 of 2017, on the file of the learned District Munsif-cum-Judicial Magistrate, Usilampatti, Madurai District, for the offences under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and section 34 of IPC.

3.The case of the prosecution is that a child marriage was solemnized on 09.11.2016. The Rural Welfare Officer came to know about the same and lodged a complaint before the Usilampatty Taluk Police Station and the same was registered in Crime No.279 of 2016. The case was investigated and final report was filed against as many as seven accused. The petitioner is figuring as the seventh accused.



The only allegations made against the petitioner is that he had let out the marriage hall for hire charges to the other accused for performing the marriage. The Kalyana Mandapam actually belongs to the community. The petitioner happens to be the office bearer of Nadar Uravin Murai Sangam, during the relevant time. He is not even the original owner of the Mandapam in question. I fail to understand as to how the petitioner as the office bearer of the society, which owns the marriage hall, can be fastened with penal liability. The very implication of the petitioner in the case on hand is an abuse of legal process. Therefore, the impugned proceedings stand quashed as far as this petitioner is concerned and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed. It is made clear that the proceedings will go on against the remaining accused.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1.The District Munsif-cum-Judicial Magistrate,
Usilampatti, Madurai District

2.The Inspector of Police,
Usilampatty Taluk Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.SAKTHI RAO, Advocate (SR-12320[F] dated 18/03/2020)

Crl.O.P(MD).No.16058 of 2018

17.03.2020

CV/(11.05.2020) 2P 5C