

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2168 of 2021
and Crl.MP.No.1194 of 2021

1. Perumal
2. Kandhan
3. Thangaveni
4. Asaithambi@Perumal
5. Krishnaveni
6. Marimuthu
7. Raman

... Petitioners/Accused No.2 to 8

vs.

The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
Crime No.979 of 2020

...Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in Crime No.979 of 2020 on the file of the respondent police, Chennai and quash the same as far as the petitioner is concerned.

For Petitioners : Mr.V.Sakkarapani

For Respondents : Mr.C.Raghavan
Government Advocate for R1

ORDER

This petition has been filed seeking to quash the FIR in Crime No.979 of 2020 pending investigation on the file of the respondent police.

2. The FIR was registered based on the complaint given by one Thangaveni who is the mother of the victim girl. The FIR was registered as a girl missing case. Subsequently, an alteration report was filed on 12.11.2020 for offences under Section 9,10 and 11 of Prohibition of Child Marriage Act,2006 and Section 366 (A) of IPC and all the petitioners herein have been made as accused persons on the ground that they forced the victim girl to marry one Marimuthu who is none other than the maternal uncle (A7) of the victim. The petitioners are none other than the father, mother and other close relatives of the victim girl. A specific stand has taken in this petition to the effect that no

marriage took place and the victim girl was forced to give the names of the petitioners in the statement recorded from her and the petitioners were added as accused.

3. The victim girl was present at the time of hearing through video conferencing. She stated that there was no marriage conducted between her and her maternal uncle and her father, mother and close relatives were added as accused in this case by forcing the victim girl to give a statement to that effect. All the petitioners were also present through video conferencing. Mr. Balasubramaniam, Sub Inspector of Police, was also present before this Court through video conferencing at the time of hearing.

4. The learned Government Advocate (Crl side) appearing on behalf of respondent police submitted that since the victim girl has taken a clear stand in this case, it is left to this Court to pass any appropriate orders.

5. Taking into consideration the facts and circumstances of the case and also the specific stand taken by the victim girl that there was no marriage conducted with her maternal uncle and the petitioners have nothing to do with the alleged offences and also of the fact that the criminal law itself was set in motion by the mother of the victim girl, since the victim girl went missing, the continuation of the criminal proceedings against the petitioners will amount to an abuse of process of law which requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

6. In the result, the FIR in Crime No.979 of 2020 pending on the file of the respondent police is quashed insofar as the petitioners (A2 to A8) are concerned. This Criminal Original petition is accordingly allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.V.Sankarapani, Advocate, S.R.No.15514

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KM(17/04/2021)



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