



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.09.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P. (MD) No.11611 of 2021

CRL.M.P. (MD) .Nos.5926 & 5927 of 2021

WEB COPY

1. Saravanan
2. Neelakanda Pillai
3. Rethinam
4. Shanmugam Pillai@Kannan
5. Kala ... Petitioners/Accused 1 to 5

Vs

1. The State of Tamilnadu,
Rep. by the Inspector of police,
Vadaseri Police Station,
Kanyakumari District. ... 1st Respondent/Complainant
2. Mrs.J.Jayagnana Prince
W/o. Charles,
Superintendent,
District Social Welfare Office,
Nagercoil,
Kanyakumari District. ... 2nd Respondent/
De-facto complainant
3. Mrs.S.K.Sankavi@Revathy ... 3rd Respondent/Victim

Prayer : Criminal Original Petition is filed under Section 482 Criminal Procedure Code to call for the records pertaining to the impugned Charge Sheet in C.C.No.261 of 2018 pending on the file of the learned Additional Mahila Court, (Magisterial Level), Nagercoil and quash the same.

For Petitioner : Mr.K.Vamanan,
Advocate.
For R1 & R2 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)
For R3 : Mr.S.Bharathi

O R D E R

This petition has been filed to call for the records pertaining to the impugned Charge Sheet in C.C.No.261 of 2018
<https://hcservices.ecourts.gov.in/hcservices/>



pending on the file of the learned Additional Mahila Court, (Magisterial Level), Nagercoil and quash the same.

2. It is a case of child marriage. On the basis of the complaint given by a social activist, a case has been registered against these petitioners. The alleged occurrence took place on 13.11.2013.

3. The learned counsel appearing for the petitioners would submit that it was a child marriage and subsequent to that, a legal marriage was also performed in the presence of the villagers. After that, they begot two children and now they are living happily. On that basis, the present petition has been filed seeking quashment of C.C.No.261 of 2018.

4. Even though the quashment is not possible based on the compromise reached between the parties, in view of the subsequent events took place, it can be taken into account for quashing the criminal proceedings. Further, the victim is also present before this Court from the learned Additional Public Prosecutor's office. So, continuation of the proceedings will amount to unnecessary harassment. On that sole ground, the proceedings in C.C.No.261 of 2018 pending before the learned Additional Mahila Court, (Magisterial Level), Nagercoil stands quashed.

5. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Additional Mahila Court, (Magisterial Level), Nagercoil, Kanyakumari District.



2.The Inspector of police,
Vadaseri Police Station,
Kanyakumari District.

3.Mrs.J.Jayagnana Prince
W/o. Charles,
Superintendent,
District Social Welfare Office,
Nagercoil,
Kanyakumari District.

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

**CRL OP(MD) No.11611 of 2021
14/09/2021**

ES(CO)
SB(22.09.2021) 3P 5C