



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No. 17179 of 2021

and

Crl.M.P. (MD)Nos.9331 & 9333 of 2021

WEB COPY

Antony ... Petitioner/Accused No.3
Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.16 of 2019) ... 1st Respondent/Complainant

2.Snowalin ... 2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in the case in Special S.C.No.68 of 2021 on the file of Sessions Court, Special Court for exclusive trial of cases under POSCO Act, Thoothukudi, Thoothukudi District and quash the same.

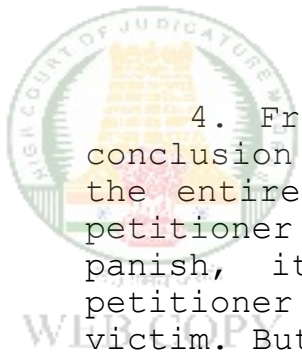
For Petitioner : Mr.M.Jothi Basu
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional public Prosecutor for R.1

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional public Prosecutor appearing for the first respondent.

2. The petitioner is facing trial in Spl.S.C.No.68 of 2021 on the file of the Sessions Court, Special Court for exclusive trial cases under POSCO Act, Thoothukudi District. Though the Court below has taken cognizance of the offences under Sections 366(A), 493 and 506(1) IPC, under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 and under Sections 5(I), 6 of Protection of Child from Sexual Offences Act, 2012 as far as the petitioner is concerned.

3. The only allegation made against him is that he performed the marriage between the first accused and the victim. The victim is said to have been a minor during the relevant point of time. As on date, the victim and the defacto complainant are living together. The petitioner has not been implicated in the statement of the victim recorded under Section 164 Cr.P.C.



4. From the materials on record, one can safely come to the conclusion that the parents of the victim had voluntarily arranged the entire marriage. There is nothing on record to show that the petitioner knowingly performed a child marriage. As a pastor of panish, it is his duty to solemnise marriages. Ofcourse, the petitioner should have been careful enough to verify the age of the victim. But, unfortunately he had not done so. The petitioner has to be careful in future. The impugned proceedings stands quashed insofar as he is concerned. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 Sessions Judge
Special Court,
for POSCO Act,
Thoothukudi.

2.The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-39123[F]
dated 16/12/2021)

Crl.O.P. (MD)No.17179 of 2021
and

Crl.M.P. (MD)Nos.9331 & 9333 of 2021
15.12.2021

SE (CO)

KB(06.01.2022) 2P 5C

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