



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.18115 of 2021

and

Crl.M.P.(MD)No.9930 of 2021

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- 1.Ganesan
- 2.Ayirathammal
- 3.Manikandan
- 4.Lilly Jebamani
- 5.Arumugakani
- 6.Chellappa

... Petitioner /Accused Nos.1 to 6
vs.

- 1.State rep. by
The Sub Inspector of Police,
All Women Police Station,
Tirunelveli,
Tirunelveli District.
(In Crime No.15 of 2021) ... 1st Respondent/ Complainant

- 2.Muthu Lakshmi ... 2nd Respondent / Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the case registered in Crime No.15 of 2021 on the file of the first respondent and quash the same as illegal insofar as this petitioner is concerned.

For Petitioners : Mr.G.Anto Prince
For R1 : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

The petitioners stand accused in Crime No.15 of 2021 registered on the file of the first respondent for the offences under Sections 5(I), 5(j)(ii) & 6 of POCSO Act, 2012 and Sections 9 & 10 of Prohibition of Child Marriage Act, 2006.

2. The victim is present in person before me. She is carrying a 13 days old baby in her hands. It appears that an arranged



marriage was solemnized between the first petitioner and the victim. Since for a delivery of the child, the victim had gone to the Government Hospital, information was given to the Rural Welfare Officer who in turn lodged a complaint before the first respondent leading to registration of the case in question.

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3. I am more than satisfied that if the case is taken to its logical conclusion, then, there will be utter ruin to all the parties concerned. At the same time, I cannot ignore the mandate of law. The victim is present in person before this Court. She wants this Court to quash the impugned FIR. But the victim being a minor, this Court will not be in a position to consider her desperate request. I therefore have no other option but to dismiss this petition. I make it clear that the parties can file a fresh petition on the same cause of action after the victim attains majority. The first respondent can file an action drop report after the victim attains majority.

4. This Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

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 Sub Inspector of Police,
All Women Police Station,
Tirunelveli,
Tirunelveli District.

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

+1 CC to M/s.G. ANTO PRINCE, Advocate (SR-35259[F] dated 19/11/2021)

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MK/SKN/29.11.2021/2P/4C

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