



CrI.O.P.No.5495 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

CRL.O.P.No.5495 of 2022
and CrI.M.P.No.3002 of 2022

1.Saritha
2.Dharani

... Petitioners

Vs.

1.State Rep. By
The Inspector of Police
Puduchatram Police Station
Namakkal District

2.V.Ramachandran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the criminal proceedings in Spl.C.C.No.16 of 2018 on the file of the Fast Track Mahila Court, Namakkal, Namakkal District and quash the same.

For Petitioners : Mr.S.Arjun

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor for R1

Mr.A.Adhil Ahamed for R2



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ORDER

WEB COPY This Criminal Original Petition is filed under Section 482 Cr.P.C.

to call for the records relating to the criminal proceedings in Spl.C.C.No.16 of 2018 on the file of the Fast Track Mahila Court, Namakkal, Namakkal District, for the offence under Section 366 I.P.C. @ under Section 366 I.P.C. Section 9 of Prohibition of Child Marriage Act 2006, Section 5(1) & 6 of Prohibition of Children from Sexual Offence Act, 2012 and to quash the same.

2.The quashment is mainly sought on the ground that the victim and the accused are married and living separately with their families. The victim is also leading a separate married life and having a child.

3.Though both of them appeared before this Court to compromise the dispute, it is brought to the notice of this Court that evidence on the side of the prosecution has already been examined and only the investigation officer has to be examined and that the victim has also given evidence. Even though the victim was 17 years old at the time of



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the alleged occurrence, now she states that she does not want to prosecute the dispute. She had also admitted that at the time of occurrence, she was only 17 years and left her parental house on her own volition and submitted that there is no offence whatever took place at that relevant point of time.

4.In such view of the matter, when the evidence is already come on record, it is for the trial Court to appreciate the evidence and if the petitioner and the victim girl want to give any contra evidence, liberty is granted to them to file a petition under Section 311 Cr.P.C. before the trial Court. On such application is filed, the trial Court shall examine the victim and take her evidence. Thereafter, on considering over all circumstances of the case and statements of the victim, the trial Court shall decide the matter taking into consideration of the pathetic situation that the victim is already married and she is having a child and the accused is also married and having children, the same can be decided taken into consideration at the time of passing judgment.



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N.SATHISH KUMAR, J.

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5.This Criminal Original Petition stands dismissed accordingly.

The trial Court is granted liberty to examine both of them again.

Consequently, the connected miscellaneous petition is closed.

11.07.2022

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Index: Yes / No

Internet : Yes / No

Speaking / Non Speaking order

To

1.The Inspector of Police
Puduchatram Police Station
Namakkal District

2.The Public Prosecutor
High Court of Madras
Chennai 600 104

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and Crl.M.P.No.3002 of 2022