

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.17162 of 2020
and
Crl.M.P.No.6643 of 2020

Ajith Kumar

... Petitioner

Vs.

1.State Represented by,
The Inspector of Police,
Bagayam Police Station,
Vellore District.
(Crime No.232/2017)

2.Kumar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Spl.S.C.No.6 of 2018 on the file of the learned Mahila Judge, Vellore, Vellore District pending trial and quash the same.

For Petitioner : Mr.C.Vinodhkumar

For Respondents

For R1 : Mr.A.Gopinath
Government Advocate (Crl. Side)

For R2 : No appearance.

ORDER

This petition has been filed to quash the Spl.S.C.No.6 of 2018 on the file of the learned Mahila Judge, Vellore, Vellore District, for the offences punishable under Sections 366 (A), 376(6) of IPC and Section 3 and 4 of POCSO Act, 2012, as against the petitioner.

2. The case of the prosecution is that the 2nd respondent lodged a complaint alleging that the petitioner had kidnapped the minor victim girl of the 2nd respondent and committed sexual assault. At the time of lodging the complaint the victim girl was aged about 17 years and 8 months. After completion of

investigation, the first respondent filed a final report and the same has been taken cognizance in Spl.S.C.No.6 of 2018 on the file of the learned Mahila Judge, Vellore.

3. The learned counsel for the petitioner submitted that after the victim turned major, she married the petitioner and the same was registered vide Marriage Certificate No.58 of 2020 dated 29.01.2020 at SRO, Gudiyatham. He further submitted that presently the petitioner and the victim girl are living happily and they have also gave birth to a male child, aged 1 ½ years.

4. By direction of the Court, both victim girl and the petitioner are present before this Court along with their male child aged 1 ½ years. Though, the 2nd respondent being the father of the victim girl is not present before this Court today. This Court, while enquired the victim, the victim states that she is living with her husband namely the petitioner herein happily and they have also gave birth to a male child.

5. That apart, the marriage has been registered vide Marriage Certificate No.58 of 2020 dated 29.01.2020 at SRO, Gudiyatham. Therefore the pendency of the trial will not serve any purpose, since the victim girl is living with her husband namely the petitioner herein happily.

6. In view of the above facts and circumstances, this Criminal Original Petition stands allowed and the proceedings in Spl.S.C.No.6 of 2018, on the file of the learned Mahila Judge, Vellore, is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ata

To

1.The Judge,
Mahila Court at Vellore.

2.The Inspector of Police,
Bagayam Police Station,
Vellore District.

3. The Public Prosecutor
Madras High Court,
Chennai.

CRL.O.P.No.17162 of 2020

KV(CO)
SB(19/07/2022)