



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 04.02.2022
PRONOUNCED ON : 20.04.2022

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.2552 of 2022

Mani ...Petitioner/Sole Accused

vs.

1.The Inspector of Police,
AWPS Thallakulam Police Station,
Madurai District,
(Crime No.62 of 2021) ...1st Respondent/Complainant

2.XXXXXX ...2nd Respondent/Defacto Complainant

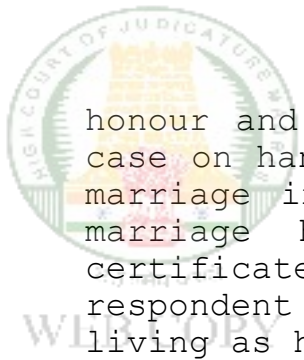
Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records pertaining to the First Information Report in Crime No.62 of 2021 on the file of the Respondent No.1 and quash the same as illegal.

For Petitioner : Mr.R.Venkatesan
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Cr1. Side)
for R1

ORDER

This Criminal Original Petition has been filed for quashing the impugned F.I.R registered on the file of the first respondent. The case was registered based on the information furnished by the Rural Welfare Officer, West Union, Madurai District.

2.The case of the prosecution is that the petitioner had contracted child marriage with the victim and that information to this effect was received on 29.12.2021. I had an interaction with the parties concerned. It is seen that the petitioner was in love with the victim and that marriage between the two was solemnized in the presence of the elders. The marriage between the parties has also been registered. As on date, the petitioner and the victim are living under one roof. If the petitioner is prosecuted, it would certainly ruin the lives of both. In quite a few cases, a broad approach was adopted by this Court and such prosecutions were quashed. It is not the case where the victim in order to save her



honour and future, entered into a compromise with the accused. The case on hand is a pure love affair, which culminated in an arranged marriage in the presence of the elders of both the families. The marriage has also been registered. A copy of the marriage certificate has also been produced before this Court. The first respondent also confirms that the petitioner and the victim are living as husband and wife. The victim has also attained majority.

3.In these circumstances, continuance of the impugned prosecution is not going to serve any purpose. Quashing the same alone would serve the ends of justice. The victim made it clear that she is not going to support the prosecution. The chances of conviction are not just bleak but virtually zero. If the prosecution continues, it would only result in waste of judicial time. The impugned prosecution is quashed and this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gbg

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 Inspector of Police,
AWPS Thallakulam Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl O.P(MD)No.2552 of 2022
20.04.2022

RD(28.04.2022) 2P 3C