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CrI.O.P.No.17615 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.17615 of 2023

1.Boopathi

S/o.Late Sundaram

2.Senthamarai

W/o.Late Sundaram

... Petitioners

Vs.

Inspector of Police,
All Women Police Station,
Kankeyam, Thirupur District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for records in Spl.S.C.No.46 of 2023 on the file of the
Fast Track Mahila Court at Thirupur and quash the same against the
petitioners.

For Petitioners : Mr.S.Senthilnathan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

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2. The case of the prosecution is that the minor girl, who is the daughter of A4 was married to A1 and that A1 had committed sexual assault against the minor girl. This came to the knowledge of the District Child Welfare Officer and a complaint was given to the respondent, which resulted in the registration of the First Information Report in Crime No.18 of 2022. On completion of investigation, a final report has been filed as against four accused persons and the Court below has taken cognizance for offences under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 and under Sections 9(1) and 10 of the Protection of Child from Sexual Offences Act, 2012 and it is pending before the Court below in Spl.S.C.No.46 of 2023.

3. When the matter came up for hearing on 08.08.2023, this Court directed the respondent police to produce the victim girl before this Court along with her mother. Accordingly, the victim girl was produced before this Court.



4. This Court had an opportunity to interact with the victim girl.

She stated that the first petitioner (A1) is none other than her uncle's son (son of the sister of victim's father). She stated that she liked A1 and married him on her own volition without any compulsion. She stated that she is presently living with her mother (A4) and is going to pursue nursing course. She stated that she will decide on the future course of action after she becomes a major [D.O.B - 24.02.2007]. She requested this Court not to prosecute the petitioners and two others.

5. The petitioners and mother of the victim girl (A4) were also present before this Court. They regretted for conducting the marriage of the first petitioner with the victim girl. The petitioners stated that it is left open to the victim girl to decide her own life and if she wants to marry the first petitioner after she attains majority, the first petitioner will also marry the victim girl legally.

6. In this case, all the parties are closely related and it is the practice in this State to get the girl married to uncle's son and unfortunately, such a marriage was conducted when the girl was a minor.

The pendency of the criminal proceedings will only further precipitate



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the relationship between the parties. Now that the victim girl is staying with her mother and is going to pursue her studies, it is left open to her to decide about her future. No useful purpose will be served in keeping the criminal proceedings pending before the Court below. The entire incident only reflects the sad state of affairs that prevails in the villages and ignorance of law that governs the parties.

In the light of the above discussion, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.46 of 2023 on the file of the Fast Track Mahila Court, Thirupur, is hereby quashed in its entirety.

12.09.2023

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

gm/veda



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To
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- 1.The Fast Track Mahila Court,
Thirupur.
- 2.The Inspector of Police,
All Women Police Station,
Kankeyam, Thirupur District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH, J.

gm

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