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Crl.O.P.No.24572 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24572 of 2022

1. Boopathi
2. Jaya
3. Karthik
4. Jayanthi

... Petitioners

Vs.

1. The State Rep by
The Sub- Inspector of Police,
AWPS – Tiruchengode Police Station,
Namakkal District.

2. Dhivya

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call the records and quash the proceedings in Crime No.17 of 2022 pending on the file of the AWPS – Tiruchengode Police Station, Namakkal District for offences under Section 9 of Prohibition of Child Marriage Act, 2006 and under Sections 5(i), 5(j)(ii) and 6 of POCSO Act, 2012.

For Petitioner : Mr.Deepan Uday

For R1 : Mr.S.Udaya Kumar

Government Advocate (Crl. Side)



ORDER

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Petition to quash the complaint registered by the respondent police in Crime No.17 of 2022 for the offence under Section 9 of Prohibition of Child Marriage Act, 2006 and Sections 5(i), 5(j)(ii) and 6 of POCSO Act, 2012.

2. The case as per the FIR is that, the minor girl aged about 17 years, when she went to the Hospital for pregnancy prenatal care, childline was informed that, minor girl been married to one Boopathi on 15.02.2021 and she is three months pregnant. Victim girl's husband, mother, father, mother-in-law and father-in-law were shown as accused and investigation is pending. Meanwhile, victim girl has attained majority and given birth to a male baby on 12.10.2022. Petitioners/accused states that, they were not sure about the age of the girl and thought that, she has attained majority and solemnized the marriage. Victim girl and the first petitioner are living together happily. Any prosecution will disturb their peaceful life. The birth certificate of the girl indicates that, victim girl was born on 31.07.2004. According to the complaint, marriage was solemnized on 15.02.2021. On the date of marriage, she was few months short of 17 years. The subsequent development in their family, birth of the child and subsequent registration of



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marriage on 15.09.2022 coupled with the fact of child birth, prompt this Court to invoke its inherent jurisdiction to quash the complaint as against the petitioners.

3. Accordingly, this Criminal original Petition is allowed. The proceedings in Crime No. 17 of 2022 on the file of the respondent police is hereby quashed as against the petitioners.

02.11.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

1. The Sub- Inspector of Police,
AWPS – Tiruchengode Police Station,
Namakkal District.

2. The Public Prosecutor,
Madras High Court.



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Dr.G.JAYACHANDRAN,J.

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