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Crl.O.P.No.22734 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22734 of 2023

and

Crl.M.P.No.15897 of 2023

Kaviya

... Petitioner

Vs.

1. State Rep by,
The Inspector of Police,
All Women Police Station,
Perambalur.

2. Ramu

3. Karthik

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the entire records in Spl. S.C.No.14 of 2023 on the file of the learned Sessions Judge, Mahila Court, Perambalur and quash the same.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition is filed seeking direction to call for the entire records in Spl.S.C.No.14 of 2023 on the file of the learned Sessions Judge, Mahila Court, Perambalur and quash the same.

2. Based on the complaint given by Child Welfare Officer, Perambalur District, case was registered under Section 9 of Prohibition of Child Marriage Act, 2006 and Sections 5(l), 5(n), 5(j)(ii) read with Section 6 of Protection of Child from Sexual Offences Act, 2012 against one Karthik, who is the petitioner herein. The sum and substance of the complaint is that, seventeen year old minor girl was given marriage to 25 year old accused by name Karthik and she is five month pregnant. Since, the marriage attracts the offence under Child Marriage Act and also the provision under the POCSO Act for penetrative sexual assault. Th matter was taken up for investigation and the said Karthik been prosecuted for the said offences. After completion of investigation, final report was filed and the same has been taken on file by the learned Mahila Judge, Perambalur and assigned Spl.S.C.No.14 of 2023. At this juncture, victim girl attained



majority and filed present petition under Section 482 of Cr.P.C seeking quashment of the Criminal proceedings as against Karthik.

3. Victim girl is present before this Court and she has stated that, she and the accused got married on 04.02.2022 at Periyasamy Temple, Pandagapadi. Thereafter, lived as husband and wife peacefully. Since, she was conceived, she went to the hospital for treatment. At that time, a member of Child Welfare Committee lodged a complaint without her knowledge and concern. She has given birth to a male baby on 29.12.2022. It is now reported that, accused has left India in the month of June to Dubai for his livelihood and presently he is in Dubai, but regularly contacting his wife over phone. Father-in-law of the girl and parents are also present and they endorsed the statement given by the victim girl.

4. Taking into account of the above facts, this Court is of the view that continuation of the proceedings as against Karthik will only cause harassment and uncertainty in the life of the then minor girl Kaviya. Now, the future of the child is also to be taken into account. Though, the rigour of POCSO act did not spare even the Couple who had attained majority want



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to live together, it will go against the intention of the accused in excising power under Section 482 of Cr.P.C in a criminal case.

5. Accordingly, this Criminal Original petition is allowed. The proceedings in Spl.S.C.No.14 of 2023 on the file of the learned Sessions Judge, Mahila Court, Perambalur is hereby quashed. Consequently, connected miscellaneous petition is closed. If any look out circular issued against the petitioner stands hereby withdrawn.

19.10.2023

Index : Yes/No
Neutral Citation : Yes/No
Sma

To

1. Sessions Judge, Mahila Court, Perambalur.
2. The Inspector of Police,
All Women Police Station,
Perambalur.
3. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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