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Crl.O.P.No.22561 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22561 of 2023

1.Nanthakumar
2.Shankar
3.Vijaya Kumari

... Petitioners

Vs.

1.The State rep.by
Inspector of Police,
Velur Police Station,
Incharge A.W.P.S.,
Namakkal District.

2.G.Kannammal

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records comprised in Special S.C.No.6 of 2023 on the file of the Fast Track Mahila Court, Namakkal and consequently quash the charges against the petitioners.

For Petitioners : Mr.C.Prabakaran

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

A minor girl aged 17.5 years was found pregnant. When she went to the hospital for check up, the Social Welfare Officer was informed about this to the doctor which has lead to registration of complaint to All Women Police Station on 30.05.2022.

2. The First Information Report lodged against one Nanthakumar who alleged to have married the victim girl in connivance with his parents and relatives. Their parents and relatives are arrayed as accused 2 to 5. On completion of investigation, final report filed and taken on file by the Fast Track Mahila Court, Namakkal in Spl.S.C.No.6 of 2023. The accused before this Court seeking quash the complaint stating that he and the minor girl are related to each other, they loved and got married. After that the victim girl got conceived and she went to medical check up, the matter was reported to the police which has lead to filing of criminal complaint under POCSO Act and Child Marriage Prohibition Act against him and his parents and the parents of the victim girl.

3. The 1st petitioner also submitted that they are living happily as a married couple and blessed with female child. If he and the parents of them



are prosecuted, it will cause grave injustice to the girl. Any action will only be counter productive to the intention of the legislation. The accused 1 to 3 who are the petitioners, are before this Court along with victim girl and child born. The girl says that she was 7 months short of 18 years at the time of marriage. Since she had pre-marital relationship with the accused, the parents decided to solemnize the marriage immediately and she has no grievance against the 1st accused and his parents.

4. Recording the same, the Spl.S.C.No.6 of 2023 on the file of the Fast Track Mahila Court, Namakkal is hereby quashed, since no useful purpose will serve. If the matter is kept pending and it will be contrary to the spirit of the Act and the interest of the girl, who is now major, living with her husband and child peacefully.

5. In view of the above, this Criminal Original Petition is allowed.

17.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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