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Crl.O.P.No.28304 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.28304 of 2022

and

Crl.M.P.No.17406 of 2022

Azharudheen Ali

... Petitioner

-VS-

1. State, Rep. by
Inspector of Police,
All Women Police Station,
Thiruchengode,
Namakkal District.

2.Veeramani
Village Administrative Officer,
Thiruchengode Town,
Namakkal District.

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, call for the records in connection with the Crime No.24/2022 pending on the file of the 1st respondent namely Inspector of Police,

All Women Police Station, Thiruchengode, Namakkal District and quash the same.

For Petitioner : Mr.E.Kannadasan

For 1st Respondent: Mr.Leonard Arul Joseph Selvam



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Government Advocate (Crl.Side)

ORDER

The petition filed to quash the F.I.R., registered in Crime No.24/2022 pending on the file of the 1st respondent namely Inspector of Police, All Women Police Station, Thiruchengode, Namakkal District, for the offence under Sections 9 and 10 of Child Marriage Act, 2006.

2. The learned counsel appearing for the petitioner submits that the petitioner married one jainaf Naziyha on 02.06.2021, as per the custom of Muslim religion and they are living happily. At present they are blessed with twin children.

3. While so, after one year of their marriage, the case was registered by Thiruchengode Police in Crime No.24 of 2022 dated 29.06.2022, later, it was transferred to Keelakarai Police Station, Ramanadhapuram and re-registered in Crime No.20 of 2022 on 06.11.2022. On completion of investigation, final report was also filed by the Keelkarai Police before the concerned Court and the Court has not taken cognizance of the report so far.



4. In view of the above fact, this Court dispose of this petition with a direction to the Court concerned to take note of the fact that at the time of marriage the girl was about few months less than 18 years old and the complaint was being filed by the Child Line Officer, at the time of delivery and also the complaint was given by the Village Administrative Officer on 29.06.2022, one year after the marriage and after the girl attained majority. The said complaint was given after one year of the marriage and also to take note of the fact that the girl is living with the petitioner herein happily with her two children, this Court directs the concerned Court to pass appropriate orders pursuant to the guidelines of the Hon'ble Supreme Court in similar cases.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

23.11.2023

Index : Yes/No

Neutral Citation : Yes/No

ssn



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Dr.G.JAYACHANDRAN, J.,

ssn

To

1. Inspector of Police,
All Women Police Station,
Thiruchengode, Namakkal District.
2. The Public Prosecutor,
Madras High Court, Madras.

Crl.O.P.No.28304 of 2022
and
Crl.M.P.No.17406 of 2022



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