



WEB COPY



Crl.O.P.No.32111 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P.No.32111 of 2019 and
Crl.MP.No.17645 of 2019

1.Vannikumar
2.Kumar
3.Nagammal
4.Sellammal

... Petitioners/A2 to 5

Vs.

1.State,
rep. By the Inspector of Police,
AWPS-Velur,
Namakkal District
(crime No.5 of 2019)
2.Veeralakshmi

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in FIR in crime No.5 of 2019 on the file of the first respondent police and quash all proceedings in crime No.5 of 2019 on the file of the Inspector of Police, AWPS-Velur, Namakkal District for offence under Section 363 IPC and Section 5(I) r/w 6 of POCSO Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006 in respect of petitioners.

For Petitioners

: Mr.B.Vasudevan



Crl.O.P.No.32111 of 2019

For Respondents
For R1

: Mr.A.Gopinath,
Government Advocate(Crl.side)

ORDER

This criminal original petition has been filed to quash the F.I.R. in crime No.5 of 2019 registered by the first respondent police for offence under Section 363 IPC and Section 5(I) r/w 6 of POCSO Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006, as against the petitioners.

2. Heard, the learned counsel appearing on either side.

3. The victim got married the first accused when she was minor. She got pregnant and admitted into hospital for delivery. At that juncture, the hospital authorities informed to the police and on the statement recorded from the victim, FIR was registered alleging that she was minor at the time of her marriage. On the statement recorded from the victim, the first respondent registered FIR in crime No.5 of 2019 for offence under Section 363 IPC and Section 5(I) r/w 6 of POCSO Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006.



Crl.O.P.No.32111 of 2019

4. The learned Government Advocate(crl.side) appearing for the first respondent / police submitted that after registration of FIR, the victim is living with the first accused and also gave birth to a female child. Now, both are living happily. Insofar as the petitioners are concerned, they are family members of the victim and they have arranged marriage between the first accused and the victim girl. However, now she attained majority and she is living happily with the first accused.

5. Considering the above facts and circumstances of the case, the pendency of the FIR would not serve any purpose. Therefore, the entire proceedings in crime No.5 of 2019 on the file of the first respondent / police is quashed as against all the accused persons and this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

04.10.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

lok



WEB COPY



Crl.O.P.No.32111 of 2019

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The Inspector of Police,
AWPS-Velur,
Namakkal District
- 2.The Public Prosecutor,
High Court of Madras

CRL.O.P.No.32111 of 2019

04.10.2023