



CrI.O.P(MD).No.10363 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On: 25.04.2023

Delivered On : 06.06.2023

CORAM:

**THE HONOURABLE MRS. JUSTICE R.THARANI**

CrI.O.P(MD).No.10363 of 2021

and

CrI.M.P.(MD)No.5305 of 2021

Marithai

...Petitioner

Vs

1.State represented through  
The Inspector of Police,  
Puliangudi Police Station,  
Tenkasi.  
(Crime No.128 of 2021)

2.Sinsiya

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records in Crime No.128 of 2021 and quash the proceedings in so far as it relates to the petitioners herein

For Petitioner  
For 1<sup>st</sup> Respondent

: Mr.N.Shyllappa Kalyan  
: Mr.M.Sakthi Kumar  
Government Advocate (CrI. Side)



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**ORDER**

**WEB COPY** This petition is filed to quash the FIR in Crime No.128 of 2021 on the file of the first respondent Police.

2.The allegation against the petitioner is that a 15 years old girl called the Social Welfare Officer seeking help and when the Social Welfare Officer and the defacto complainant enquired the girl, she informed that she has completed 8<sup>th</sup> standard and awaiting admission for 9<sup>th</sup> standard. On 15.02.2021 at about 06.00 hours, the marriage has taken place between herself and a person by name Singadurai aged about 31 years. A7 blessed the girl child during the marriage. On the above information, a case in Crime No. 128 of 2021 was registered against the petitioner and others under Sections 6, 5(1), 17 of POCSO Act and Sections 9, 10, 11 of Prohibition of Child Marriage Act.

3.On the side of the petitioner, it is stated that the petitioner is innocent and no way connected with the offence. On 06.02.2021 itself, the petitioner went to Chennai and the petitioner attended the marriage of a relative. On 15.02.2021, she took treatment for fatty liver and after getting treatment, she left Chennai on 16.02.2021. She was not at all present at the date and time of occurrence. Only due to enmity in avocation, the petitioner was roped by the



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defacto complainant's mother and prayed the case to be quashed.

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4.On the side of the prosecution, it is stated that the offences are serious in nature and the offences involved are POCSO Act and Child Marriage Act and the investigation is not yet completed. If during the investigation, it is proved that the petitioner was not available in the scene of occurrence, her name will be deleted in the chargesheet.

5.On the side of the petitioner, the reservation ticket from Sankarankovil to Chennai on 05.02.2021 is filed. The medical reports from 11.02.2021 till 13.02.2021 are filed. The copy of the invitation for the marriage dated 15.02.2021 and the photograph taken at the marriage was also a filed. The return ticket from Chennai to Kurrukalpatti in the name of the petitioner wherein journey date was mentioned as 15.02.2021 was also annexed.

6.A verification of the records reveals that there is no specific overt act against the petitioner except that she blessed the girl child at the time of her marriage.



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**R. THARANI,J.**

Mrn

7.Considering the documents filed on the side of the petitioner and considering the overt act against the petitioner, it is decided that this case is to be quashed against the petitioner/A7 alone. Hence, this Criminal Original Petition is **allowed** and the case against the petitioner/A7 in Crime No.128 of 2021 is hereby quashed. Consequently connected miscellaneous petition is closed.

**06.06.2023**

NCC : Yes/No  
Internet : Yes/No  
Index : Yes/No  
Mrn

To

1.The Inspector of Police,  
Puliangudi Police Station,  
Tenkasi.

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

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