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CrI.O.P.No.9159 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.9159 of 2024
& CrI.M.P.No.3726 of 2024

1. Vijay.
2. Murugan.
3. Subramani.
4. Ramar.
5. Dharamaraj.
6. Rani.
7. Savuntharambal.

... Petitioners/Accused

/versus/

1. The Inspector of Police,
All Women Police Station,
Perambalur.

... 1st Respondent

2. Chindamani.
3. Anburaja.

... 2nd respondent/victim

... 3rd respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in the Spl.S.C.No.48 of 2023 on the file of Mahila Court, Perambalur and quash the same.

For Petitioners : Mr.L.P.Mounish

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



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ORDER

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A case in Crime No.18 of 2021 registered against seven persons for the offences under Section 5(l), 5(j)(ii), 5(n), 6 of POCSO Act, 2012 and Section 9, 10 and 11 of Prohibition of Child Marriage Act, 2006.

2. The victim girl was a child on the date of registering the complaint. She was found pregnant and their relatives had arranged for marriage. On receipt of the information from VAO, case been registered by the respondent police.

3. The present petition is filed to quash the final report culminated in Special S.C.No.48 of 2023 pending on the file of Mahila Court, Perambalur on the ground that the 1st accused and the minor girl were related to each other and the marriage was arranged by their parents. Having come to know that, they had three marital sex and girl was carrying the fetus of boy, the police has registered the case against the first petitioner and the parents of both the girl, boy and few relatives who attended the marriage. Stating that, after obtaining bail, the 1st petitioner waited till the victim girl attained the age of 18 years and thereafter, married her and living with her peacefully with two children.



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Contending that continuation of the prosecution will be against the interest of

justice, the present petition is filed to quash the Special S.C.No.48 of 2023.

4. The Government Advocate (Crl.Side) for the 1st respondent was directed to verify whether the 1st petitioner has married the victim girl and living as husband and wife. Through the respondent police, he has verified and found that, 2nd respondent Chindamani and the 1st petitioner/Vijay are living happily as husband and wife with their two children. The petitioners and 2nd respondent are present today along with the two children. It is stated that the case pending against them causing great hardship and if it continue, it may disturb their marital life.

5. Considering the fact that there is no victim in this case and the girl after attaining the age of majority, on her own, married the 1st petitioner and living happily, begotten two children, one male and one female.

6. Taking note of the said fact, this ***Criminal Original Petition is allowed.*** The complaint in Special S.C.No.48 of 2023 on the file of the Mahila



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Court, Perambalur is hereby quashed.

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Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To:-

1. The 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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