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Crl.O.P.No.15546 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.15546 of 2024

1. Syed Asamadullah.

2. Ismail Sharif.

... Petitioners/Accused

/versus/

1. The State Rep. by.

Inspector of Police,

W-16, All Women Police Station,

Puliyanthope, Chennai – 600 012.

Crime No.4 of 2021

... Respondent/Complainant

2. Syed Ashmath.

... Respondent/Defacto Complainant

3. Thabasum

... Respondent/Victim

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records pertains to the SPL.S.C.No.27 of 2022 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and quash the same.

For Petitioner : Mr.S.K.Masthan.

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



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ORDER

The case in Crime No.4 of 2021 registered by the respondent police for the offences under Section 5(l), 5(j)(ii), 6 and 17 of POCSO Act; Section 6, 9 & 10 of Prohibition of Child Marriage Act and Section 376(3) of I.P.C.

2. The complaint is lodged by one Syed Ashmath/2nd respondent alleging that the father of the minor child, who is the 2nd accused has solemnized the marriage of the girl to the 1st accused and the victim girl was pregnant. After registering the complaint, the police has investigated the matter and filed final report, which is the subject matter of Spl.S.C.No.27 of 2022 on the file of the Special Court for Exclusive Trial Cases under POCSO Act, Chennai. Before filing of final report, the minor girl gave birth to a male child on 24.06.2021. The investigation disclose that the marriage between the 1st accused and the victim girl was solemnized on 02.07.2020 by their elders with the consent of the father of the victim girl. They are still living as husband and wife. When the victim girl was examined as P.W.2, she admits that, she got married to the 1st accused on 02.07.2020 and the marriage was arranged by her mother, since she was terminally ill, suffering from lung cancer and she decided



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to solemnize her daughter's marriage before her death. At the time of examining her i.e., on 18.03.2022, victim girl's child crossed 2 years and 6 months and the birth certificate is marked as Ex.P.4.

3. Considering the fact that there is no purpose in prosecuting these petitioners since the victim girl attained the age of majority and she is happily living with the 1st accused and with her children. Therefore, by exercising power under Section 482 of Cr.P.C., to meet the ends of Justice, the petition to quash the Spl.S.C.No.27 of 2022 on the file of Special Court (POCSO Act), Chennai is allowed. Accordingly, this Criminal Original Petition is allowed.

11.07.2024

Index : Yes/No.

bsm

To:-

1. The Special Court for Exclusive Trail of Cases under POCSO Act, Chennai.
2. The Inspector of Police, W-16, All Women Police Station, Puliyanthope, Chennai – 600 012.
3. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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