



Crl. O.P. No. 13989 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl. O.P. No. 13989 of 2024

Selvakumar @ Selvam

... Petitioner

Vs.

1. State by
The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
(Cr.No.20 of 2018)

2. Arumugam

3. Govindhammal

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to Spl.S.C.No.33 of 2020 on the file of the Sessions Judge, Fast Track Mahila Court, Dharmapuri and quash the same as far as the petitioner is concerned.

For Petitioner : Mr. V.Sakkarapani

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



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ORDER

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This Criminal Original Petition is filed to quash Spl.SC.No.33 of 2020 pending on the file of Fast Track Mahila Court, Dharmapuri.

2. The petitioner is the sole accused. The case been registered against him in Cr.No.20 of 2018 on the complaint given by one Arumugam, the brother of the minor girl who had eloped with the petitioner herein. The petitioner and the minor girl was traced by the police and final report filed against the petitioner for the offence under Sections 366 and 363 of IPC, 5(i), 5(J) r/w Section 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act 2006, the present petition is filed to quash on the premise that the petitioner and the minor girl eloped on 07.03.2018 got married and living happily as husband and wife. While so, on the complaint given by the brother of the minor girl, the respondent police has secured them and registered the case. Even after registration of the case, they continue to live as husband and wife. Presently, they have two children, the elder son is aged about 5½ years and the younger daughter is aged about 4 years.



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3. The victim girl and the petitioner are present today along with their children. They expressed that if the prosecution is continue, it will derail their marriage life and put the future of the children at terrific, this Court able to understand the predicament of the accused and his wife who according to law, **victim of crime**. By continuing the prosecution, the girl will be put to further sufferance and the petitioner herein is also unnecessarily facing consequence of the act which he has done without any intention. Hence, to meet the ends of justice, this Court exercise their power under Section 482 of Cr.P.C and quash the Spl.SC.No.33 of 2020 pending on the file of Fast Track Mahila Court, Dharmapuri

4. Accordingly, this Criminal Original Petition is allowed.

12.07.2024

Vv

To

- 1.The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
- 2.The Public Prosecutor,
High Court of Madras,



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Dr.G.JAYACHANDRAN,J.

Vv

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