



WEB COPY



Crl.O.P.No.26591 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.26591 of 2022

and

Crl.M.P.No.16380 of 2022

1.Somasekar

2.Ganapathy Subramanian Deekshidar

...

Petitioners

Vs.

1.State Rep. by its

The Inspector of Police,
All Women Police Station,
Cuddalore Police Station.
Crime No.16 of 2022

2.Dhavamani

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records and to quash the FIR in Crime No.16 of 2022,
pending investigation on the file of the 1st respondent.

For Petitioners :Mr.D.Sai Kumaran

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



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ORDER

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The petitioners have filed this petition to quash the FIR in Crime No.16 of 2022 pending investigation on the file of the 1st respondent, for the offences under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, as against the petitioners.

2. The case of the prosecution is that the defacto complainant is the Women Rural Welfare Officer, District Social Welfare and Women Rights Department Cuddalore. On 21.09.2022, she got knowledge of a child marriage being celebrated and on enquiry it was found that the child marriage being celebrated and on enquiry it was found that child marriage has been celebrated between a minor girl named Chintamani alias Banupriya (15 years) daughter of Somasekar and one Mr.Pasupathy son of Ganapathy. On 09.02.2021 early morning between 4.30 a.m., to 6 a.m., at Sivakami Amman Temple Chidambaram inside the Chidambaram Natarajar Temple in the presence of the minor girl's father namely Somasekar, mother Gnanapriya and boy's father name Ganapathy and mother Chandra besides other relatives. On 21.09.2022 that the respondent police based on the complaint rescued the minor girl and handed over her to the Women Rural



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Welfare Officer, District Social Welfare and Women Rights Department, Cuddalore. Thereafter, on enquiry it was found that the girl admitted to the marriage which took place and hence the FIR was registered under Section 9 & 10 of Prohibition of Child Marriage Act, 2006.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and a false case has been foisted against them and there is no marriage as alleged took place on 09.02.2021, as a matter of fact, even as per FIR, there is no complaint given by any person in respect of such alleged child marriage. Hence, he prays to quash the FIR against the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners herein are the parents of the minor girl and they were implicated as per the complaint given by the Women Rural Welfare Officer, District Social Welfare and Women Rights Department, Cuddalore that they have arranged for a marriage to their minor daughter. He further submitted that 164 Cr.P.C statement was recorded by the respondent police before the Magistrate. As per the statement made by the minor girl her parents have



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only arranged her puberty function after attaining her puberty, that was not the marriage function.

5. Considering the facts and circumstance, and also considering the statement given by the minor girl, this Court is inclined to quash the proceedings of the FIR registered in Crime No.16 of 2022 pending investigation on the file of the 1st respondent.

6. This Criminal Original Petition stands allowed, accordingly. Consequently, the connected miscellaneous petition is closed.

05.01.2024

Index: Yes/ No
Neutral Citation: Yes/No
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To
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1. The Inspector of Police,
All Women Police Station,
Cuddalore Police Station.
Crime No.16 of 2022
- 2.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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