



Crl.O.P.(MD) No.12429 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P(MD)No.12429 of 2023

and

CRL.M.P.(MD)Nos.9728 and 9729 of 2023

Ganesan

...Petitioner

VS

**1.Kayathri,
Leader,
Child Welfare Committee,
District Court Opposite,
Collectorate Campus,
Ramanathapuram District.**

**2.The Inspector of Police,
All Women Police Station,
Ramanathapuram.**

3.XXXX

**4.The Leader,
Child Welfare Committee,
Collector Office Compound,
Opposite to District Court,
Ramanathapuram District.**

...Respondents

**(R3 was impleaded vide order of this Court, dated 28.08.2023 in Crl.M.P.
(MD)No.11846 of 2023)**

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(R4 was *suo motu* impleaded vide order of this Court, dated 28.02.2024)

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records pertaining to the Spl.S.C.No.22 of 2023 on the file of the learned Fast Track Mahila Court, Ramanathapuram and to quash the proceedings as against the Petitioners herein.

For Petitioner : Mr.J.Karmega Kannan
For R2 : Mr.M.Veeranthiran
Government Advocate (crl.side)

ORDER

The Criminal Original Petition had been filed seeking to quash the charge sheet in Spl.S.C.No.22 of 2023 on the file of the learned Fast Track Mahila Court, Ramanathapuram, on the ground that he had married the victim.

2.The case was instituted on the complaint of the Child Welfare Committee, Collector Compound, opposite to District Court, Ramanathapuram District, for the offences under Sections 5(I), 5(j)(ii) and Section 6 of POCSO Act and Section 9 of the Child Marriage Restraint Act,



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3.The learned Government Advocate (Crl.side) objects to consider the Petition filed by the Petitioner. He submitted that the accused is already married. He is aged 48 years. The victim is 17 years. Therefore, let him face trial.

4.Considering the objection by the learned Government Advocate (crl.side), this ***Criminal Original Petition*** is dismissed. Let him face trial. The learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram, is directed to proceed with the trial. If the accused does not co-operate, cancel the warrant, detain him prison till the trial is completed. Consequently, connected Miscellaneous Petitions are closed.

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

14.03.2024

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To

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1.The Fast Track Mahila Court, Ramanathapuram.

2.The Leader,
Child Welfare Committee,
District Court Opposite,
Collectorate Campus,
Ramanathapuram District.

3.The Inspector of Police,
All Women Police Station,
Ramanathapuram.



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SATHI KUMAR SUKUMARA KURUP, J.

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