

Crl.O.P(MD)No.15735 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

**Crl.O.P(MD)No.15735 of 2024
and
Crl.M.P(MD)No.9898 of 2024**

1. Muruganantham

2. Rakku

3. Durairaj

... Petitioners

Vs

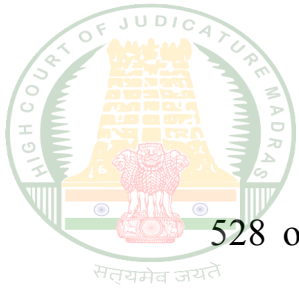
1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Parthibanur Police Station,
Paramakudi, Ramanathapuram District.
Crime No. 310/2020

2. T.Kalaimathi
W/o S.Pitchaimanicka,
Extention Officer,
Social Welfare,
Paramakudi.

3. Jamuna

... Respondents

PRAYER: Criminal Original petitions have been filed under Section



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528 of BNSS to call for the records pertaining to the impugned final report in C.C No. 669 of 2022 dated 09.01.2021 on the file of the learned Judicial magistrate court, Paramakudi and quash the same so far as the petitioners are concerned.

For Petitioners : Mr.SMA Jinnah,

For R1 : Mr.M.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

For R3 : Mr.G.Sujeeth

ORDER

This petition has been filed by the petitioners to call for the records pertaining to C.C No. 669 of 2022 on the file of the Judicial magistrate court, Paramakudi for the offences under Sections 9 and 11 of Prohibition of Child Marriage Act, in Crime No.310 of 2020 and quash the same.

2. When the matter is taken up for hearing today, the learned



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counsel appearing on either side and victim also present. Both the victim and the accused filed joint compromise memo stating that the first petitioner and the victim got married and they have two female children. The victim is aged about 24 years and the first petitioner and the victim are now living together as husband and wife and the victim has no objection to quash the charge sheet.

3.Today both the parties present and this Court also enquired the victim as well as the accused and both stated that they are living as husband and wife along with the child. Therefore it is appropriate to allow the petition based on the compromise arrived at between the parties.

4. At this juncture, it is relevant to refer the judgement of the Hon'ble Supreme Court in the case of ***K.Dhandapani Vs. The State by the Inspector of Police*** reported in ***2022 SCC Online SC 1056***, has held as follows:

“In the peculiar facts and circumstances of this case, we are of the considered view that the conviction and sentence of the appellant who is maternal uncle of the prosecutrix



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deserves to be set aside in view of the subsequent events that have been brought to the notice of this Court. This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix. We have been informed about the custom in Tamilnadu of the marriage of a girl with the maternal uncle”.

5.The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in (2012) ***10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in (2017) ***9 SCC 641*** were taken into consideration.

6. In view of the above said judgments and the fact that the first petitioner and the victim are living together as husband and wife along with their children after marriage and though charges are grave in nature, considering the relationship between the parties and the amicable settlement between themselves this Court is of the view that the compromise is to be accepted. Therefore in order to meet the ends of justice by invoking inherent power of this Court, this Criminal Original Petition stands allowed and the pending proceedings against the



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petitioners in C.C.No.669 of 2022 on the file of the Judicial Magistrate Court, Paramakudi is hereby quashed. Consequently connected miscellaneous petition stands closed.

20.03.2025

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

To

1.The Judicial magistrate court, Paramakudi

2. The State of Tamil Nadu,
Rep by the Inspector of Police,
Parthibanur Police Station,
Paramakudi, Ramanathapuram District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

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