



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF NOVEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 13600 OF 2023 (GM-RES)

BETWEEN:

GANESH V.,

...PETITIONER

(BY SRI ADVAITH, ADVOCATE FOR
SRI TRIVIKRAM S, ADVOCATE)

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MAHENDRAKUMAR
Location: HIGH
COURT OF
KARNATAKA

AND:

STATE OF KARNATAKA
BY PARAPPANA AGRAHARA POLICE
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENT

(BY SRI K NAGESHWARAPPA, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 PRAYING TO QUASH THE ENTIRE PROCEEDINGS FOUND AT ANNEXURE-C IN CC NO.95/2020 ARISING OUT OF CRIME NO.60/2019 REGISTERED BY THE RESPONDENT PARAPPANA AGRAHARA POLICE, PENDING ON THE FILE OF THE LEARNED IX ACMM, AT BENGALURU FOR THE OFFENCES PUNISHABLE U/S 9, 10 AND 11 OF THE CHILD MARRIAGE ACT, 2006.



THIS PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The Survivor who is the wife of the petitioner - accused No.1 herein is present before the Court and has filed an affidavit stating that petitioner is the sole breadwinner of the family to take care of herself and her child and if the criminal proceedings is allowed to be continued and if the petitioner is incarcerated, she and her child will be put to more agony and misery rather than securing the ends of justice.

2. Affidavit along with the birth certificate of the child is placed on record.

3. Petitioner is sought to be prosecuted for the offences punishable under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 (for short 'the Act'). The case of the prosecution is that the petitioner fully knowing that CW-3 who was a minor and daughter of his



sister solemnized the marriage on 17.02.2019 in contravention of the provisions of the Act.

4. Learned HCGP submits that the offence under the provisions of Act is non-compoundable and the material on record clearly discloses that the petitioner in violation of Act, has solemnized his marriage with the Survivor.

5. The Survivor who is present before the Court has produced the Aadhar card indicating that her date of birth as 25.06.2001. As on the date of the offence, the survivor was aged about 17 years 8 months. As of date, the survivor is aged more than 22 years. From the said wedlock, a male child was born on 09.02.2023. The survivor and the child are dependant on the petitioner for their livelihood, and except the petitioner, they have no source of independent income. If the criminal proceedings are allowed to be continued, it would result in incarceration of the petitioner, and it would cause misery



and agony rather than serving the ends of justice to the Survivor and her child. Therefore, the continuation of the criminal proceedings will be an abuse of process of law. Accordingly, I pass the following:-

ORDER

- i. Writ petition is ***allowed***.
- ii. The impugned proceedings in C.C.No.95/2020 on the file of the IX Additional Chief Metropolitan Magistrate, Bengaluru City stands quashed.

Sd/-
JUDGE