

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.10792 of 2015

and

M.P.No.1 of 2015

D.Ramesh

... Petitioner

Vs

1.The State

Rep. by the Inspector of Police,  
All Women Police Station,  
Arani, Tiruvannamalai District.

2.P.Parameswari

.... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,  
praying to call for the records and quash the charge sheet in  
P.R.C.No.22 of 2014 on the file of the Honourable Judicial  
Magistrate, Arani.

For Petitioner : Mr.J.Ashok

For R1 : Mr.C.Emalias,  
Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to  
call for the records and quash the charge sheet in P.R.C.No.22 of  
2014 on the file of the Honourable Judicial Magistrate, Arani.

2. Heard the learned counsel for the petitioner and the  
learned Additional Public Prosecutor appearing for the 1<sup>st</sup>  
respondent and perused the material placed on record.

3. The allegation stated in the charge sheet is as follows:

"The marginally noted accused is the resident of  
Mukkurumbai village, Polur Taluk Tiruvannamalai  
District, witness Parameswari D/o.Late Pichandi is  
the resident of Naidu theru, Mukkurumbai Village,

Polur Taluk, Tiruvannamalai District. The marginally noted accused and witness Parameshwari had love affair with each other and the accused with desire to have sexual intercourse with witness Parameshwari made false promise that he intended to marry witness Parameshwari and convinced her that no harm will come to her if she has sexual intercourse with him.

Due to above said motive on 21.07.2013 at about 11.00p.m. at witness Parameshwari's house and on various occasions and at various places the marginally noted accused with intent to commit rape voluntarily had sexual intercourse with witness Parameshwari without her valid consent, under such circumstances that he act amounts to rape and also outraged her the modesty of witness Parameshwari by refusing to marry her after pregnancy and caused harassment.

Hence the marginally noted accused appears to have committed an offence punishable under Section 376, 354 IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act-2000."

4. On reading of the 161 statement of the defacto complainant, there are sufficient materials to proceed against the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the defacto complainant had conceived and had given birth to a child and he further submitted that a direction be issued to the Trial Court to have the DNA profiling for the child and the petitioner, so that it can be shown that the petitioner is not the father of the child.

6. This Court carefully perused the Final Report. It is not the case of the prosecution that the defacto complainant conceived through this petitioner and she delivered a child and that, this petitioner is the father of the child. When that is not the case of the prosecution, it is not necessary to send this petitioner and the child for DNA test.

7. In view of the above, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

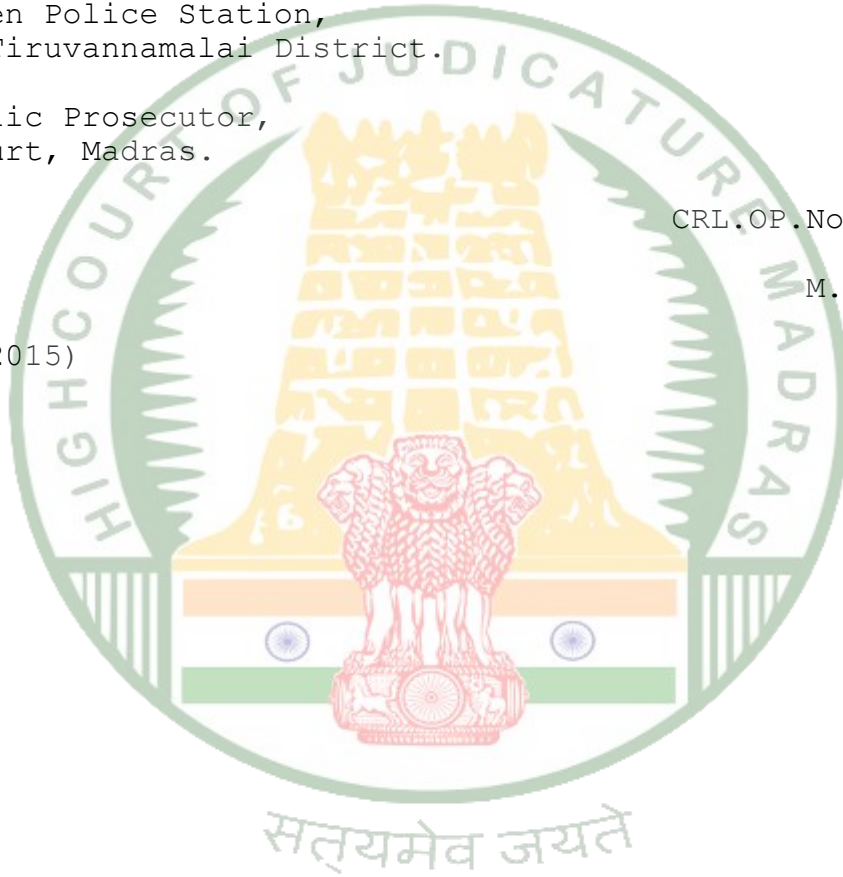
gya

To

- 1.The Judicial Magistrate,  
Arani.
- 2.-do- The Chief Judicial Magistrate,  
Tiruvannamalai.
- 3.The Inspector of Police,  
All Women Police Station,  
Arani, Tiruvannamalai District.
- 4.The Public Prosecutor,  
High Court, Madras.

CRL.OP.No.10792 of 2015  
and  
M.P.No.1 of 2015

RSY(CO)  
CA(18/05/2015)



WEB COPY