

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.15308 of 2015

and MP.No.1 of 2015

S.Balaji .. Petitioner/Accused 2

Vs

1.The State, rep by
The Inspector of Police,
Pappireddipatti Police Station,
Salem District. ..Respondent/Complainant

2.Thangadurai ..2nd Respondents/ Defacto
complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records and quash the charge sheet No.118/2013 dated 24.09.2013 in SC.No.5 of 2014 on the file of District Mahila Court, Dharmapuri in Cr.No.531 of 2012 against the petitioner/2nd accused.

For Petitioner :Mr.M.Muthusamy
For Respondents :Mr.C.Emalias [R1]
Additional Government Pleader

ORDER

This Criminal Original Petition has been filed praying to call for the records and quash the charge sheet No.118/2013 dated 24.09.2013 in SC.No.5 of 2014 on the file of District Mahila Court, Dharmapuri in Cr.No.531 of 2012 against the petitioner/2nd accused.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. It is the case of prosecution that A1 had kidnapped a minor girl, with the help of this petitioner and three others and had taken her on 14.09.2012 and had sex with her. Thereafter she was secured by the Police and a case for the offences under Section 366 (A) IPC and Section 3,4 of Protection of the Children Sexual Offence Act 2012 r/w 109 IPC., was registered against the petitioner and others by the respondent Police in Crime No.531 of 2012. Now the investigation has been completed and a final report has been filed, challenging which, the petitioner/A2 has approached this Court for quashing the prosecution.

4. On a reading of the final report and 161(3) Cr.P.C., statements recorded by the Police, there are enough materials against this petitioner, in as much as he being a friend of A1 he had helped A1, in the kidnapping of the minor girl. Under such circumstances, it cannot be stated that there are no materials against this petitioner. Hence, this petition is devoid of merits and dismissed.

5. At this juncture, the learned counsel for the petitioner, submits that the petitioner is suffering from brain stem contusion and is bed-ridden. Under such circumstances, the petitioner shall appear before the Trial Court for receiving the papers under Section 207 Cr.P.C., for answering charges and for questioning under Section 313 Cr.P.C., and for the date of judgment. For the other hearings, if a petition is filed before the trial court, on behalf of the petitioner, that he will not unnecessarily prolong the trial and that he will cross-examine the witnesses in the absence of the petitioner and that he will not dispute the identity, then the Trial Court is directed to liberally consider the same.

With the above directions, this petition is dismissed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To:

1.The District Mahila Court, Dharmapuri.

2.The Inspector of Police,
Pappireddipatti Police Station,
Salem District.

3.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.M.Muthusamy, Advocate,SR.31377.

Scd(co)
krd 30/6

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