

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.33029 of 2013
and
M.P.No.1 of 2013 and M.P.No.1 of 2014

1.Bhuvaneshwari
2.Mahalakshmi

....Petitioners/Accused

Vs

1.The State
rep by the Inspector of Police
All Women Police Station
Tirukoilur
Villupuram District.

...1st Respondent/Complainant

2.Prabhavathi

...2nd Respondent/Defacto Complainant

Prayer:-

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records relating to S.C.No.192 of 2013 on the file
of the Additional District Judge Court, Villupuram, Villupuram
District and quash the proceedings against the petitioners.

For Petitioners : Mr.G.M.Anantha Kumar

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

For R2 : Mr.T.Arockia Das

ORDER

This petition has been filed to call for the records
relating to S.C.No.192 of 2013 on the file of the Additional
District Judge Court, Villupuram, Villupuram District and quash the
proceedings against the petitioners.

2. Heard the learned counsel for the petitioners, learned Additional Public Prosecutor appearing for the State and learned counsel for the second respondent.

3. It is the case of the prosecution that the defacto complainant and Sri Ramajayam [A1] were in deep love and that Sri Ramajayam had physical affair with her on the promise of marrying her and thereafter, he reneged. It is alleged by the defacto complainant that, she also conceived once and the fetus was aborted at the instance of Sri Ramajayam [A1]. Therefore, the defacto complainant lodged a complaint, based on which a case in Cr.No.32 of 2012 was registered by the police and after investigation, Final Report has been filed against Sri Ramajayam [A1], Bhuvaneshwari [A2] and Mahalakshmi [A3]. Bhuvaneshwari [A2] is the mother of Sri Ramajayam and Mahalakshmi is sister of Sri Ramajayam. Bhuvaneshwari and Mahalakshmi are before this Court for quashing the prosecution.

4. Learned counsel for the petitioners submitted that there is no iota of evidence as against these petitioners herein. This argument was stoutly resisted by the learned Additional Public Prosecutor and the learned counsel for the defacto complainant.

5. This Court gave its anxious consideration to the rival submissions and carefully scrutinised the Final Report and the 161 Cr.P.C. statements. The defacto complainant was 25 years old when she gave the complaint in the year 2012. Even in the FIR, she has stated that she has studied M.Sc., B.A. B.Ed. It is her contention that, Sri Ramajayam [A1] promised to marry her and induced her to have physical affair and thereafter, refused to marry her. There are no allegations worth the salt either in the FIR or in the 161 (3) Cr.P.C. statements recorded subsequently as against Bhuvaneshwari and Mahalakshmi. It is not stated by the defacto complainant that the mother and sister had in any manner abetted the commission of offence of Sri Ramajayam [A1]. The stray allegations against them is that they are putting spokes into the marriage of Sri Ramajayam [A1] with the defacto complainant.

6. In the light of the above, this Court is of the view that this is a fit case to quash the prosecution as against Bhuvaneshwari and Mahalakshmi and accordingly, the proceedings in S.C.No.192 of 2013 on the file of the Additional District Judge Court, Villupuram are quashed. The trial Court is directed to expeditiously conduct the trial as against Sri Ramajayam [A1].

In the result, this petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gms

To

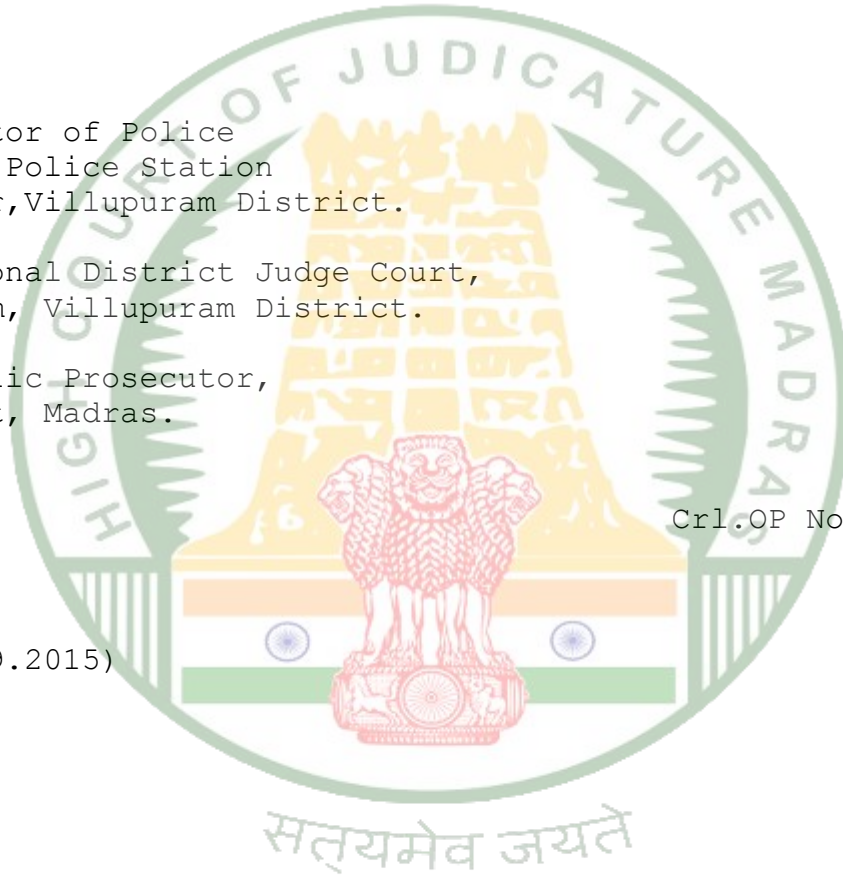
1. Inspector of Police
All Women Police Station
Tirukoilur, Villupuram District.

2. Additional District Judge Court,
Villupuram, Villupuram District.

3. The Public Prosecutor,
High Court, Madras.

Crl.OP No.33029 of 2013

SCD (CO)
PSI (10.09.2015)



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