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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2015

CORAM:

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Cr1.O.P. (MD)No.2087 of 2011

and

M.P. (MD)No.1 of 2011

T.J.Subija

... Petitioner/Accused

Vs.

1.The Inspector of Police,
Thiruvattar,
Kanyakumari District.

...1st Respondent/Complainant

2.Sasikumar

...2nd Respondent/
Defacto Complainant

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.10 of 2011 on the file of the Judicial Magistrate, Padmanabapuram, Kanyakumari District and quash the same.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Prabhu, G.A.(Cr1.side)

ORDER

The petitioner is a lady seeking to quash the proceedings in C.C.No.10 of 2011 for the alleged offence under Section 4(2)(b), 3(2)(A) and 6(1)(B) of the Immoral Traffic (Prevention) Act, 1956 has come forward with this Criminal Original Petition.

2.The learned counsel for the petitioner submitted that there was a pending dispute between the petitioner family and the family of one Rajakumar, who is a Police Constable and the entire complaint is false and fabricated. The de facto complainant namely, the 2nd respondent was taken to the Police Station and obtained a signature in a blank paper from him and based on which, a complaint has been created as if the petitioner has committed the alleged offence. The learned counsel made reliance on the enquiry report dated 29.07.2011 of the Deputy Superintendent of Police, which also speaks to that effect. The statement given by the 2nd respondent / Sasikumar under Section 164 before the Magistrate is also relied upon., wherein it has been stated that he was taken to the Police station and on finding that he did not possess driving licence and obtained his signature in a blank papers.

3.Despite notice has been served, there is no representation for the 2nd respondent and his name is printed in the cause list.

<https://hcservices.ecourts.gov.in/hcservices/>

4.It is rather surprise that in spite of the enquiry report submitted by the DSP, DCB, Nagercoil, dated 29.07.2011, the proceedings



allowed to continue. It is no doubt true that the charge sheet has been filed much earlier. However, nothing prevented the 1st respondent from taking action thereafter. The existence of the enquiry report dated 29.07.2011, is not in dispute.

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5.Considering the same, this Court finds that the petitioner need not undergo trial. Accordingly, the proceedings in C.C.No.10 of 2011 on the file of the Judicial Magistrate, Padmanabapuram, Kanyakumari District, is hereby quashed.

6.In the result, the Criminal Original Petition is allowed. Consequently, connected M.P.is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, Padmanabapuram, Kanyakumari District.

2. Do The Chief Judicial Magistrate, Kanyakumari at Nagercoil.

3.The Inspector of Police,
Thiruvattar,
Kanyakumari District.

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

+1cc to M/S.T.Lajapathi Roy, Advocate in SR.No 34385

TS/27.07.2015/2P - 6C

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