

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.20991 of 2010

and

Criminal Original Petition 14055 of 2010

& M.P.No.1 of 2010

Manivel [A1]

... Petitioner in CrI.O.P.No.20991 of 2010

1.Perumal [A2]

2.Thailammal [A3]

... Petitioners in CrI.O.P.No.14055 of 2010

-versus-

1.State by The Inspector of Police,
Omalur Police Station,
Salem District.

[Crime No.14 of 2010]

2.Akilandeswari

... Respondents in both CrI.O.Ps.

Common Prayer: These petitions are filed under Section 482 Cr.P.C. by the petitioners praying to call for the records relating to the case in Crime No.14 of 2010 on the file of the 1st respondent police and to quash the above said FIR.

For Petitioner (s) : Mr.T.R.Sivaraman for
petitioners in both CrI.O.Ps.

For Respondent : Mr.C.Emalias, APP for
respondent in both CrI.O.Ps.

COMMON ORDER

On the complaint lodged by Ms.Akilandeswari, aged 18 years, D/o.Ramasamy, the 1st respondent police registered a case in Crime No. 14 of 2010 on 03.01.2000 under Sections 376 and 506(ii) of IPC against (1) Manivel [A1], (2) Perumal [A2], the father of Manivel and (3) Thailammal [A3], the mother of Manivel [A3], challenging which the accused are before this court with this

2. It is the case of the de facto complainant that whenever she used to visit her paternal uncle's house, Manivel [A1], the petitioner in CrI.O.P.No.20991 of 2010 used to tease her very frequently and when she reported the matter to her parents, they did not want to make it as big issue taking into consideration the general social aspects. It is specifically alleged by the de facto complainant that on 25.06.2009, around 2 in the after noon, when she was going to her paternal uncle's house, Manivel [A1] physically carried her to his house where he raped her. Thereafter, he threatened her at knife point stating that she should not disclose about the incident to anybody much less to her parents. Fearing Manivel, she did not disclose it even to her parents. But, she became pregnant and only when her parents came to know about her pregnancy, she disclosed them about the incident and thereafter, on 30.12.2009, when Ms.Akilandeswari and her parents went to the house of Manivel, it is alleged that they were abused and threatened by his parents. They also told that they are of superior in status and that Manivel cannot marry Ms.Akilandesari. Manivel did not come forward to marry her and, therefore, Ms.Akilandeswari was forced to lodge a complaint to the police pursuant to which the FIR has been registered as aforesaid.

3. The learned counsel appearing for the petitioners submitted that there is no iota of material as against the parents of Manivel [the petitioners in CrI.O.P No.14055 of 2010] inasmuch as even according to the de facto complainant they have only abused the de facto complainant and her parents and have not intimidated her. The learned counsel further submitted that for invoking Section 506(ii) of IPC the accused should have caused alarm to the complainant which ingredient is absent in the present complaint. He also submitted that the parents of Manivel should not suffer a sessions trial on such frivolous allegations.

4. Per contra, the learned Additional Public Prosecutor submitted that A1 raped the de facto complainant and that she has now delivered a male child, who is now aged 7 years.

5. According to the case of the prosecution, Manivel did commit a serious offence of rape on Ms.Akilandewari. It is indeed very unfortunate that a rape case has been kept in limbo from 2010 to 2016 without justice to the helpless victim. As regards the contentions of the learned counsel for the accused, the arguments are too legalistic and does not warrant interference at the hands of this court for quashing the very FIR in this case. In all fairness, if the parents had come forward to have Manivel married to the de facto complainant, things could have been totally different. Instead, their economic status prevented them from accepting the de facto complainant as their daughter in law. Considering the above facts and circumstances of the case, this court is of the considered view that this is not a fit case for quashing the prosecution against any of the accused.

6. In the result, the criminal original petitions are dismissed, however, with a direction to the respondent police to expeditiously conduct the investigation and bring the guilty to justice. Consequently, connected MP is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk

To

1.The District Munsif-cum-Judicial Magistrate,
Omalur, Salem District.

2.The Inspector of Police, Omalur P.S.,
Salem District.

3.The Public Prosecutor, High Court,
Madras.

Criminal Original Petition
Nos.20991 & 14055 of 2010

GMI (CO)
KP (12.11.2016)

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