

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.2029 of 2016

and Cr1.M.P.No.1012 of 2016

S.Pranav ... Petitioner

Vs

1. The State rep. by
The Inspector of Police,
R.4 Soundarapandiyan Angadi
Police Station,
Chennai.

2.Haresha Anand ... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records of the case in S.C.No.337 of
2015 on the file of Mahila Court, Chennai and quash the same.

For Petitioner : Mr.R.Shanmugam, SC
for Dr.R.Gopinath

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor,
for R.1

ORDER

The present criminal original petition has been filed
by the petitioner to call for the records in S.C.No.337 of 2015
pending on the file of Mahila Court, Chennai and quash the same.

2. On the basis of the complaint given by the second
respondent with the first respondent police, a case was
registered in Crime No.698 of 2015 for the alleged offence
punishable under Sections 341, 324, 307 and 506(ii) I.P.C. and
Section 4 of the Tamil Nadu Prohibition of Harassment of Women
Act on 16.2.2015. After completion of investigation, final
report was filed before the learned XVII Metropolitan

Magistrate, Saidapet, Chennai and the same was taken on file as P.R.C.No.106 of 2015. Thereafter, the petitioner approached this Court by filing a petition in CrI.O.P.No.20099 of 2015 to quash the said proceedings. At the time of filing of the said petition, the order passed by the learned Magistrate in M.P.No.241 of 2015 was not filed and hence, the said CrI.O.P. was withdrawn by the petitioner. Now, the case was committed to the Sessions Court and it was numbered as S.C.No.337 of 2015 and it is pending before the Mahila Court, Chennai. To quash the said proceedings, the present petition has been filed.

3. The case of the prosecution is that the petitioner threatened the second respondent to love him. But, the second respondent was not interested for the same. While so, on 13.2.2015, the petitioner prevented the second respondent and her family members from going to their native place and compelled her to come along with him. But, the second respondent escaped and went along with her family members to her native place. On 16.2.2015 at about 7.30 p.m., when the second respondent returned from her native place, the petitioner who was waiting for her arrival, prevented her from going to her house and compelled her to marry him. Since the second respondent refused for the same, he took a knife and made an attempt to stab her. When the second respondent tried to prevent the same, she sustained injuries on her right palm and neck. When the second respondent made a hue and cry, the petitioner escaped from that place. The second respondent took treatment in Royapettah Government Hospital as outpatient. Thereafter, she lodged the said complaint.

4. It is the main submission of the learned senior counsel appearing for the petitioner that a perusal of the order passed by the learned Magistrate in M.P.No.241 of 2015 would show that the petitioner has also sustained injury at the time of incident and hence, there was only a quarrel between the petitioner and the second respondent and the petitioner did not use any force on the second respondent as alleged in the charge sheet and he never attempted or caused any injury on the second respondent. Learned senior counsel appearing for the petitioner has also invited the attention of this Court to various documents and submitted that the petitioner and the second respondent are involved in a love affair and now, with false allegations, the present case has been filed. Thus, he sought to quash the proceedings in S.C.No337 of 2015 pending on the file of the Mahila Court, Chennai.

5. I have heard the learned Additional Public Prosecutor.

6. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record

and I am of the view that the grounds raised by the learned senior counsel appearing for the petitioner may be a defence, which cannot be gone into at this stage and the same have to be agitated only during the course of trial. Thus, I do not find any valid ground warranting this Court to quash the said proceedings.

7. In fine, the criminal original petition is dismissed. However, the petitioner is always at liberty to raise all the grounds as defence before the trial Court. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CSVII)

True Copy

Sub-Assistant Registrar

sbi

To

1. The Presiding Officer,
Mahila Court,
Chennai.

2. The Inspector of Police,
R.4 Soundarapandiyan Angadi
Police Station,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

Crl.O.P.No.2029 of 2016

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