

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI.OP.No.24197/2016 & CMP.No.11519/2016

K.Rakesh Madhan

..

Petitioner/Sole
Accused

Vs.

1.The Inspector of Police
All Women Police Station
Nagapattinam.

2.Ms.Nithya

..

Respondents

Petition filed under Section 482 Cr.P.C., to call for the records in CC.No.39/2016 pending trial before the learned Judicial Magistrate No.II, Nagapattinam, and quash the same.

For Petitioner : Mr.M.Balaji

For Rl : Mr.C.Emalias, APP

ORDER

The above Criminal Original Petition has been filed by the petitioner / sole accused to quash the proceedings in CC.No.39/2016 pending on the file of the learned Judicial Magistrate No.2, Nagapattinam.

2 Heard Mr.M.Balaji, learned counsel for the petitioner and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the 1st respondent.

3 On the complaint lodged by Nithya, the 2nd respondent herein, the 1st respondent police registered a case in Cr.No.3/2016 and after completing investigation, have filed a Final Report in CC.NO.39/2016 before the learned Judicial Magistrate No.2, Nagapattinam, for the offences u/s.417, 493 IPC and section 4 of Women Harassment Act, 2002, against Rakesh Madhan, the petitioner herein.

4 This petition for quash has been filed by Rakesh Madhan on the ground that the matter has been amicably settled with Nithya.

5 On notice, Mrs.R.Thangam, the Sub Inspector of Police, All Women Police Station, Nagapattinam, produced Nithya before this Court today.

6 On enquiry, Nithya stated that she is not in a proper frame of mind today to consent for quashing the prosecution.

7 Accordingly, this Criminal Original Petition is dismissed. However, with liberty to the petitioner to file a fresh quash petition with full consent of Nithya, the 2nd respondent herein / defacto complainant. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

AP

To

1.The Judicial Magistrate No.2,
Nagapattinam.

2.The Inspector of Police
All Women Police Station
Nagapattinam.

3.The Public Prosecutor
High Court, Madras.

सत्यमेव जयते

Cr1.OP.No.24197/2016

KJI (CO)
kk 28/12

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