

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.25895 of 2016 and

CrI.MP Nos.12783 & 12784 of 2016

1. D.Uma @ Umarani
2. Samanthy
3. Stella @ Sagunthala
4. Geetha
5. Tamilselvi

...Petitioners

Vs.

1. The State Rep. By its
Inspector of Police,
All Women Police Station,
Gummudipundi Police Station,
Thiruvallur District.

2. Tamilselvi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for entire records connected with the S.C.No.49 of 2016 on the file of the Learned District and Session Court, Tiruvallur and quash the same.

For Petitioners : Mr.C.Jayakumar

For R1 : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking to call for entire records connected with S.C.No.49 of 2016 on the file of the District and Sessions Court, Tiruvallur and quash the same.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

3. On the complaint lodged by Tamilselvi, the first respondent police registered a case in Cr.No.5 of 2014 for the offences u/s 376, 417 and 506 IPC against (i) Prabhudoss @ Dinakaran [A1], (ii) D.Uma @ Umarani [A2], (iii) Samanthy [A3], (iv) Stella @ Sagunthala [A4], (v) Geetha [A5] and (vi) Tamilselvi [A6] and after completing the investigation, filed a charge sheet and the same is now pending in S.C.No.49 of 2016 before the Mahila Court, Thiruvallur, for quashing which, the accused 2 to 6 are before this Court.

4. It is the case of the prosecution that the victim girl Tamilselvi was taking tuition under Prabhudoss [A1]. While so, Prabhudoss [A1] misused his position as a teacher and sexually abused Tamilselvi after mixing some sedatives in a cool drink, which was drunk by her. After having sexually abused her, he was blackmailing her from time to time and was continuing to have sex with her, resulting in, she conceiving. After having promised to marry Tamilselvi, he went back upon his promise and refused to marry her. Therefore, Tamilselvi lodged a complaint, based on which, investigation was conducted and charge sheet has been filed, as stated above.

5. The learned counsel for the petitioners submitted that admittedly, the petitioners are sisters of Prabhudoss[A1].

6. On a reading of the Section 161 statement of Tamilselvi, it is seen that she has clearly implicated Prabhudoss [A1] in the offence. But, there is no incriminating material as against A2-A6. Even in the statement of Tamilselvi, she has merely stated that on 23.11.2014, when she approached A2-A6 [the sisters of Prabhudoss] and asked them for justice, they refused and asked her to go away. Apart from this, there are no other materials as against A2-A6. Since charges have already been framed, this Court does not want to entertain the quash application as it will enure to the advantage of Prabhudoss against whom, there are sufficient materials on record.

7. Under such circumstances, this Criminal Original Petition is disposed of with a direction to the Trial Court to expeditiously complete the trial in S.C.No.49 of 2016 within six months from the date of receipt of a copy of this order. All defences available to A2-A6 are left open for the Trial Court to decide. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

kmi

To

1. The Inspector of Police,
All Women Police Station,
Gummudipundi Police Station,
Thiruvallur District.

2. The District Sessions Judge,
Tiruvallur.

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

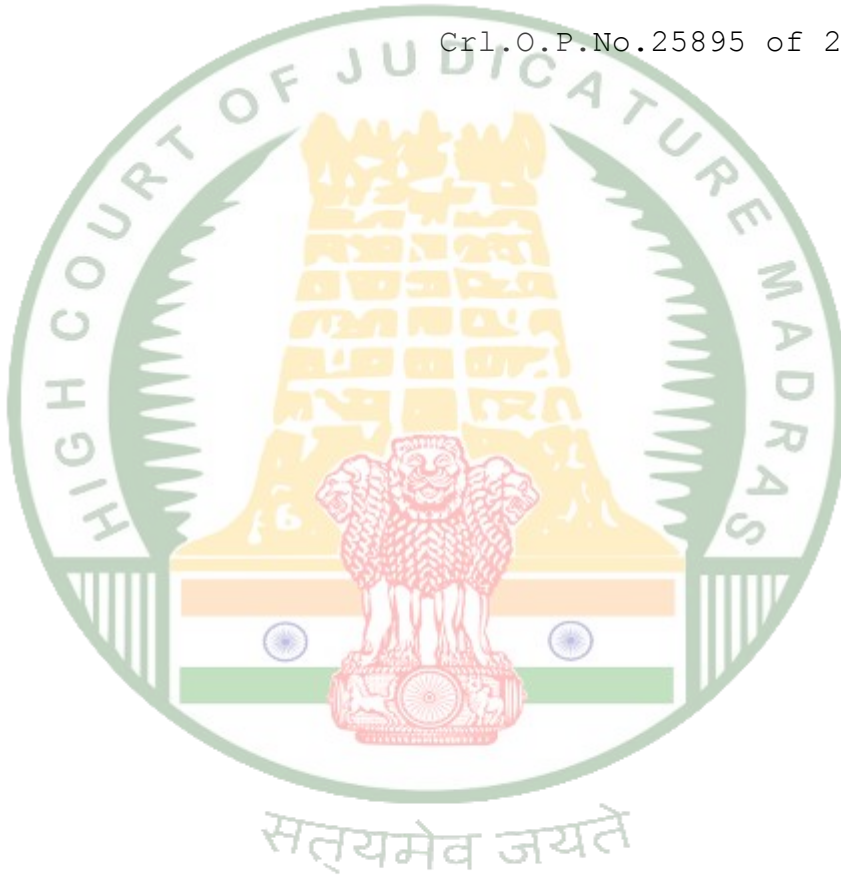
WEB COPY

3. The Public Prosecutor,
High Court, Madras.

+1 CC to M/S.E.Sathiyaraj, Advocate SR.No.71528

CO-SSK
ths : 02.01.2017

Crl.O.P.No.25895 of 2016



WEB COPY