



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.3.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP(MD) No.5508 of 2016

and

Cr1.M.P. (MD).Nos.2733 and 2734 of 2016

1. Rani
2. Murugan @ Palanichamy
3. Dhinakaran
4. Sankar

... Petitioners / Accused 2 to 4&6

Vs.

1. The State of Tamil Nadu
represented by the Inspector of Police,
All Women Police Station,
Alangudi,
Putukottai District
in Crime No.89 of 2012.

...1st Respondent / Complainant

2. Gwothami

...2nd Respondent/Defacto Complainant

Prayer:- Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet in P.R.C.No.36 of 2014 pending before the Judicial Magistrate Alangudi, Puthukottai District in Crime No.89 of 2012 dated 17.09.2012 on the file of the respondent No.1 for the alleged offences under Sections 417, 420, 294(b), 376, r/w. Section 109 of I.P.C. and quash the same as illegal.

For Petitioners	: Mr.M.Maran
For R1	: Mrs.S.Prabha
	Government Advocate(Cr1.side)

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the charge sheet in P.R.C.No.36 of 2014 pending before the learned Judicial Magistrate Alangudi, Puthukottai District in Crime No.89 of 2012, dated 17.09.2012 on the file of the first respondent for the alleged offences under Sections 417, 420, 294(b), 376, r/w. Section 109 of I.P.C. and quash the same as illegal.

2. It is seen that the de-facto complainant is a poor village girl and the neighbour of the accused herein Selvaraj (A1) cheated the de-facto complainant by promising to marry her and had sexual relationship with her, on account of which, the de-facto complainant conceived and the child was aborted. It is alleged by the de-facto complainant that Selvaraj and his family members started repudiating the relationship and on account of which, the de-facto complainant lodged a complaint, based on which, a case in Crime No.89 of 2012 was registered by the respondent police and after completing the investigation, final report has been filed in P.R.C.No.36 of 2014 before the learned Judicial Magistrate, Alangudi, Puthukottai District for the offences under Sections 417, 420, 294(b), 376 r/w. 109 of I.P.C.



3. The learned counsel for the petitioners submitted that even according to the de-facto complainant, it was Selvaraj (A1), who had enticed her into a relationship and these petitioners had nothing to do with the alleged offence.

4. It is seen that the committal proceedings are pending in P.R.C.No.36 of 2014, since last two years without any progress. It is also represented that Sankar(A6) is in abroad and therefore, the learned Magistrate is not able to proceed with the committal proceedings. The learned counsel for the petitioners submitted that a charge under Section 376 cannot be maintained against these petitioners, because, admittedly, there is no allegation as against them with regard to the said offences. It is seen that when the de-facto complainant and her family members approached the petitioners for justice, they supported Selvaraj (A1) and abused the de-facto complainant, thereby attracting Section 294(b) I.P.C. prima facie. Hence, this is not a fit case to quash the entire proceedings. It is open to the trial Court to frame appropriate charge against these petitioners and proceed with the trial. The learned Judicial Magistrate, Alangudi is directed to split up the case as against Sankar(A6) and proceed with the committal proceedings in P.R.C.No.36 of 2014. The committal proceedings shall be completed within a period of four weeks from the date of receipt of a copy of this order. If the petitioners do not co-operate with the committal proceedings, it is open to the learned Magistrate to issue Non-Bailable warrant and remand them to custody under Section 209 of Cr.P.C. The petitioners and the co-accused except Sankar, shall appear before the learned Judicial Magistrate, Alangudi.

5. With the above direction, this Criminal Original Petition is closed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station,
Alangudi,
Putukottai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.MARAN, Advocate, SR No.18259

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31.03.2016