

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39411 of 2016

ORDER:

This writ petition is filed seeking to declare the action of the 3rd respondent in issuing FIR No.59 of 2016, dated 05.04.2016, and filing charge sheet vide C.C.No.283 of 2016 against the petitioner for the offences punishable under Sections 354 & 506 IPC, as illegal and arbitrary and consequently to quash the charge sheet in C.C.No.283 of 2016.

Heard and perused the material available on record.

The grievance of the petitioner is that the 4th respondent lodged the present complaint against the petitioner alleging that on 05.04.2016 at 14.00 hours, when the 4th respondent is watering to her paddy field, the petitioner approached her and dragged her and tried to rape her and due to crying loudly, the petitioner escaped from there. The 3rd respondent registered the case on 05.04.2016 against the petitioner as FIR No.59 of 2016, which is a counter blast to his case in FIR No.60 of 2016, which has been registered against the husband of the 4th respondent and his father for the offences punishable under Sections 294-B & 324 read with 34 IPC.

After arguing for some time, when this Court expressed its opinion that this Court is not inclined to interfere with the trial before the concerned Court, the learned counsel for the petitioner submitted that the petitioner may be permitted to file discharge application and his presence before the trial Court may be dispensed with.

Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioner, if the petitioner is aggrieved over the pendency of the case and if it is the case of the petitioner that no offence is made out, then the petitioner is at

liberty to file a discharge application before the trial Court and on such application being filed, the trial Court shall consider the same in accordance with law. Till the disposal of such discharge application, the presence of the petitioner before the trial Court is dispensed with.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 16th November, 2016

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