

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.01.2017

CORAM

THE HONOURABLE MR. JUSTICE N.AUTHINATHAN

CrI.O.P. No.23416 of 2010
& M.P.Nos.1 & 2 of 2010

Vetry Raj .. Petitioner/Accused

versus

1. The State rep. by
Sub-Inspector of Police,
All Women Police Station,
Vellore, Vellore District. ...Respondent/Complainant

2.Marththal .. Respondents/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records pending on the file of the
learned Judicial Magistrate No.IV, Vellore, Vellore District in
C.C.No.264 of 2008 and quash the criminal proceedings.

For Petitioner : Mr.E.Kannadasan
For Respondent No.1 : Mr.P.Govindarajan
Additional Public Prosecutor
For Respondent No.2 : Mr.K.Premkumar

O R D E R

This Criminal Original Petition has been filed by the
petitioner to quash the proceedings in C.C.No.264 of 2008 on the
file of the learned Judicial Magistrate No.IV, Vellore, Vellore
District.

2.The petitioner is the sole accused in C.C.No.264 of
2008 pending on the file of the learned Judicial Magistrate
No.IV, Vellore, Vellore District. On the basis of the complaint
lodged by the second respondent, a case has been registered for
the offences punishable under Sections 294(b), 498(A), 506(ii)
of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of
Women Act, 1998. After completion of investigation, the
Investigating Officer laid charge sheet against the petitioner.
The learned Magistrate has taken cognizance of the offences and
issued summons to the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner preferred a complaint before the Sub-Inspector of Police, Vellore, on 21.04.2008 against the second respondent and thereafter, the second respondent started harassing the petitioner and subsequently, the petitioner filed a suit in O.S.No.518 of 2008 on the file of the learned District Munsif, Vellore against her. He further submitted that the second respondent along with rowdy elements entered into the premises of the petitioner and assaulted him and that, the petitioner sustained injuries and he was hospitalised. He lodged a complaint with Virinjupuram Police and a case is registered against the second respondent and that, after the registration of the case, she lodged the present complaint and that, therefore proceedings are liable to be quashed.

4.The learned Additional Government Pleader appearing for the first respondent submitted that during investigation materials have been collected to proceed against the petitioner herein and the charge sheet has been filed and the learned Magistrate has taken the matter on file in accordance with law. There are sufficient materials available on record to proceed against the petitioner herein.

5.The learned counsel appearing for the second respondent would submit that the marriage between the petitioner and the second respondent was solemnised on 10.01.1994 and from the wedlock, two children were born. It is further submitted that the petitioner has failed to maintain his wife and children and on account of that, there was frequent quarrel between the petitioner and the second respondent. On 31.07.2008 at about 10.00a.m., the petitioner abused the second respondent using filthy language and criminally intimidated her.

6.Heard the learned counsel appearing for the petitioner; the learned Additional Government Pleader appearing for the first respondent, the learned counsel appearing for the second respondent and perused the records.

7.As already noticed that the Investigating Officer has examined 5 witnesses. There are materials available in the Form of 161 Cr.P.C. statement. The second respondent has stated that she was harassed and criminally intimidated by the petitioner. Witnesses 2 to 4 have been cited by the Investigating Officer in the charge sheet to support the allegations made by the second respondent. It is brought to the notice of this Court that already trial has commenced in this case and 5 witnesses have been examined. This Court cannot act as a Trial Court while exercising powers under Section 482 Cr.P.C. Whatever contentions raised in this Petition could be agitated before the Trial Court. As the trial has commenced, this Court is not inclined to

quash the proceedings.

8.In the result, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar (CS-IV)

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Sub-Assistant Registrar

To

1. The Judicial Magistrate No IV,
Vellore,
Vellore District
2. The Sub-Inspector of Police,
Government of Tamil Nadu,
All Women Police Station,
Vellore, Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.

Cr1.O.P. No.23416 of 2010

CNR (CO)
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