

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Crl.OP.No.26541 of 2016
and Crl.MP.Nos. 13304 & 13305 of 2016

1. Samson
2. Punitha
3. Shalini
4. Sneha

.. Petitioners

Vs

1. State. Rep by
All Women Police Station,
Vellore.

2. Divya

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.PC, praying to

i). stay all further proceedings in C.C. No. 32 of 2015 on the file of Judicial Magistrate No.I, Vellore.

ii). Dispense with personal appearance of the petitioners in C.C. No. 32 of 2015 on the file of Judicial Magistrate No.I, Vellore.

Iii). Call for entire records in C.C. No. 32 of 2015 on the file of Judicial Magistrate No.I, Vellore.

For Petitioners : M/s.Durai Gunasekaran

For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor – For R1

ORDER

The brief facts of the case is that the second respondent had an affair with the first accused viz., Tony Ezhilarasan from the year 2009 onwards. Consequent to the affair, the second respondent and the said Tony Ezhilarasan had physical relationship from the year 2009 onwards. It is the case of the second respondent now that he had cheated her by refusing to marry her. Therefore, the second respondent had given a complaint on 19.10.2014 to the first respondent. The first respondent had examined three witnesses including the second respondent herein, other two witnesses being the mother-in-law and father-in-law of the second respondent herein.

2. On an overall reading of the complaint as well as the statement of the witnesses, it is seen that there is no justification on the part of the second respondent for having waited from the year 2009 onwards and given the complaint in 2014. There is no independent evidence to establish that the petitioners herein, who are the father, aunt and wives of the said Tony Ezhilarasan had involved in the crime alleged by the defacto complainant/2nd respondent herein. Furthermore, the delay in filing the charge sheet for the occurrence that took place in the year 2009 has not been properly explained by these witnesses. The occurrence stated to have been taken place on 19.10.2014 does not implicate the petitioners in any manner.

3. In this background, it would not be appropriate to permit these petitioners to face the ordeal of trial. The charges laid as against the petitioners does not implicate them for the offences under Sections 376(i), 417, 294(b), 312, 506(i) IPC, r/w 109 IPC. As such the petition deserves to be allowed.

4. In the result, the Criminal Original Petition stands allowed. The proceedings as against the petitioners herein, who are accused 2 to 5 in PRC. No.26 of 2016, pending on the file of the learned Judicial Magistrate No.I, Vellore is quashed. Since the complaint is pending from the year 2015 onwards, it would be appropriate to direct the learned Judicial Magistrate No.I, Vellore to complete the trial as expeditiously as possible.

The connected Miscellaneous Petitions are also closed.

05.09.2017

Index : Yes/No
ak/tar

To

1. The Judicial Magistrate No.I,
Vellore.
2. The Inspector of Police,
All Women Police Station,
Vellore.
3. The Public Prosecutor,
High Court, Madras.

WEB COPY

M.S.RAMESH, J.
ak/tar



Crl.OP.No.26541 of 2016

WEB COPY

05.09.2017