



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) .No.8004 of 2017

and

Cr1.M.P. (MD) No.5453 of 2017

Vinoth Kumar

: Petitioner

-Vs-

1. The State Through the
Sub Inspector,
Thalayuthu Police Station,
Tirunelveli,
(Crime No.327/2016).

2. P.Usha

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in S.C.No.296 of 2017 on the file of the Mahila Court, Tirunelveli and quash the same against the petitioner/accused.

For Petitioner : Mr.K.A.Raamakrishnan

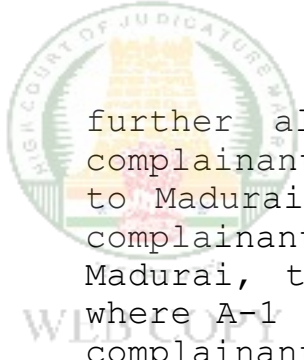
For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by Usha, the respondent police registered a case in Crime No.324 of 2016 and after completing the investigation, have filed a charge sheet and the case is now pending in S.C.No.296 of 2017 before the Mahila Court, Tirunelveli, for offences under Sections 406, 420, 354(B), 376, 109, 34, 366 of the Indian Penal Code and 66E of the Information Technology (Amendment) Act, 2008 against two accused, challenging which, A-2 is before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the first respondent.

3. It is the case of the prosecution that the *defacto* complainant was a converted Christian. In order to hoodwink her, A-1 represented that he is a Parish Priest and that he will perform prayers, due to which, all the problems can be solved. Making such a representation, A-1 would frequently come to the house of the *defacto* complainant and perform prayers. It is



further alleged that A-1 and A-2 represented to the *defacto* complainant's mother that they are taking the *defacto* complainant to Madurai for a Mass. Believing the representation, the *defacto* complainant accompanied A-1 and A-2 by car. Instead of going to Madurai, the *defacto* complainant was taken to a lodge in Salem, where A-1 is said to have ravished her and nude photos of *defacto* complainant were taken and she was subjected to blackmail.

4. The learned counsel for the petitioner submitted that there are no serious allegations against the petitioner/A-2, inasmuch as he was only the car driver.

5. On a reading of the final report and the accompanying documents, this Court finds that A-2 had accompanied A-1 in the endeavour and shared the common intention with him. When there are such overwhelming materials in the charge sheet, the prosecution cannot be quashed at the threshold.

6. In the result, this Criminal Original Petition is devoid of merits and accordingly, the same is dismissed. However, the Trial Court shall proceed with the trial without in any manner being influenced by what is stated above. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Mahila Court, Tirunelveli.
2. The Sub Inspector,
Thalayuthu Police Station,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

PSM/JC/SAR1/07.07.2017/2P/4C

Order made in
CRL.O.P. (MD) .No.8004 of 2017

Dated: 28.06.2017