

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.10307 of 2018

R. Magesh

Petitioner

vs.

1 The State represented by
the Inspector of Police
W-17 All Women Police Station
Peravallur
Chennai 600 082

2 A. Amuthavalli

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to Cr. No. 1 of 2018 dated 29.01.2018 registered by the first respondent police under Sections 354-D and 506(i) IPC and quash the same.

For petitioner Mr. S.J. Jagadev
For R1 Mrs. Kritika Kamal P.
Government Advocate (Crl. Side)
For R2 Mr. S. Sairaman

ORDER

This Criminal Original Petition has been preferred to call for the records relating to Cr. No. 1 of 2018 dated 29.01.2018 registered by the first respondent police under Sections 354-D and 506(i) IPC and quash the same.

2 On the complaint lodged by Amuthavalli, the second respondent herein, the first respondent police have registered a case in Cr. No.1 of 2018 on 29.01.2018 under Sections 354-D and 506(i) IPC against the petitioner herein, for quashing which, this application has been filed.

3 Heard Mr. S.J. Jagadev, learned counsel for the petitioner/accused, Mrs. Kritika Kamal, P., learned Government Advocate (Crl. Side) appearing for the first respondent police and Mr. S. Sairaman, learned counsel for the second

respondent/de facto complainant.

4 On a reading of the FIR, it is seen that the de facto complainant has alleged that the petitioner/accused was a tenant in her house, because of which, he was well known to the de facto complainant's family and her 18 year old daughter; that the petitioner/accused, who is married and has got two children, even after vacating the premises, was stalking her daughter, on account of which, her daughter became very morose; on persistent enquiry, the de facto complainant's daughter spilled the beans and therefore, the de facto complainant had no other alternative, but, to lodge the complaint.

5 Mr. Jagadev, learned counsel for the petitioner/accused submitted that at the time of vacating the premises, the de facto complainant had to return the advance of Rs.7 lakhs, towards which, she gave a cheque and the said cheque was dishonoured, on account of which, there was some misunderstanding between the petitioner/accused and the de facto complainant and that this had motivated the de facto complainant to lodge a false complaint.

6 Per contra, Mr. Sairaman, learned counsel for the de facto complainant refuted the contention put forth by Mr. Jagadev.

7 The learned Government (Crl. Side) submitted that the statement of the victim girl was recorded under Section 164 Cr.P.C.

8 This Court gave its anxious consideration to the rival submissions.

9 In a case of this nature, one cannot expect a harassed woman to immediately rush to the police and lodge a complaint. Several factors will weigh in the mind of a mother before she lodges a complaint of sexual harassment of her daughter.

10 Be that as it may, now that the police have recorded the Section 164 Cr.P.C. statement of the victim girl, it is for the police to proceed further with the investigation and take it to its logical conclusion.

11 However, this Court directs the Assistant Commissioner of Police in charge of A.W.P.S., Peravallur, to closely monitor the investigation in A.W.P.S., Peravallur Cr. No.1 of 2018 and if it is found that the accused is innocent, it is needless to state that further proceedings against the accused shall be dropped.

With the above direction, this Criminal Original Petition is closed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

cad

To

- 1 The Inspector of Police
W-17 All Women Police Station
Peravallur
Chennai 600 082
 - 2 The Public Prosecutor
High Court of Madras
Chennai 600 104
 3. The Assistant Commissioner of Police
Incharge of A.W.P.S., Peravallur
- +1 CC to Mr.S. Sairaman, Advocate sr 37613.

Cr1.O.P. No.10307 of 2018

SP (20/06/2018)

सत्यमेव जयते

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