

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.10911 of 2018
&
Crl.M.P.No. 5580 of 2018

Sulaiman Sait

.... Petitioner

Vs

1.Stacy Sanirou

2. State rep. by
The Inspector of Police
J-2 Adyar Police Station
Chennai .

.... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records and quash the charge sheet in C.C. No. 3201 of 2015 on the file of the IX Metropolitan Magistrate, Saidapet, Chennai and pass such further orders.

For Petitioner : Mr. Nathan and Associates

For Respondents : Mrs. P. Kritika Kamal
Govt. Advocate (Crl. Side)

ORDER

The relief sought for in this petition is to quash the charge sheet in C.C. No. 3201 of 2015 on the file of the IX Metropolitan Magistrate, Saidapet, Chennai

2. The defacto complainant hails from Manipur and is working in the saloon as a beautician. It is alleged by the defacto complainant that she was assaulted by the accused on 05.08.2012 and was thrown out of the saloon. On the complaint lodged by the defacto complainant, the police registered an FIR in Cr. No. 2615/2012 and after completion of investigation filed charge sheet against the petitioner in C.C. No. 3201/ 2015 before the IX Metropolitan Magistrate, Saidapet, Chennai for the offences under Section 294(b), 323, 354 of IPC r/w Section 4 of

Tamil Nadu Women Harassment Act, challenging which the accused is before this Court.

3. Heard the learned counsel for the accused and the learned Government Advocate (Criminal Side).

4. The learned counsel appearing for the accused submitted that there are several contradictions between the complaint given by the defacto complainant and the police charge sheet. He submitted that the defacto complainant has stated initially that she was assaulted on 04.08.2012 but has corrected the complaint as 05.08.2012. Per contra, learned Government Advocate submitted that the averments of the defacto complainant is supported by her colleague Julie. Learned counsel for the accused submitted that both the defacto complainant and the said Julie, are from Manipur and therefore they would naturally support each other.

5. Considering the fact that there are prima facie materials to frame charges against the accused and disputed facts cannot be gone into in a quash petition, this Criminal Original Petition is dismissed with liberty to raise all the points before the trial court after the charges are framed. Taking into consideration the fact that the offences happened in the year 2012, this Court directs the trial court to complete the trial in C.C. No. 3201/2015 within a period of three months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

avr

To

1. The IX Metropolitan Magistrate,
Saidapet, Chennai

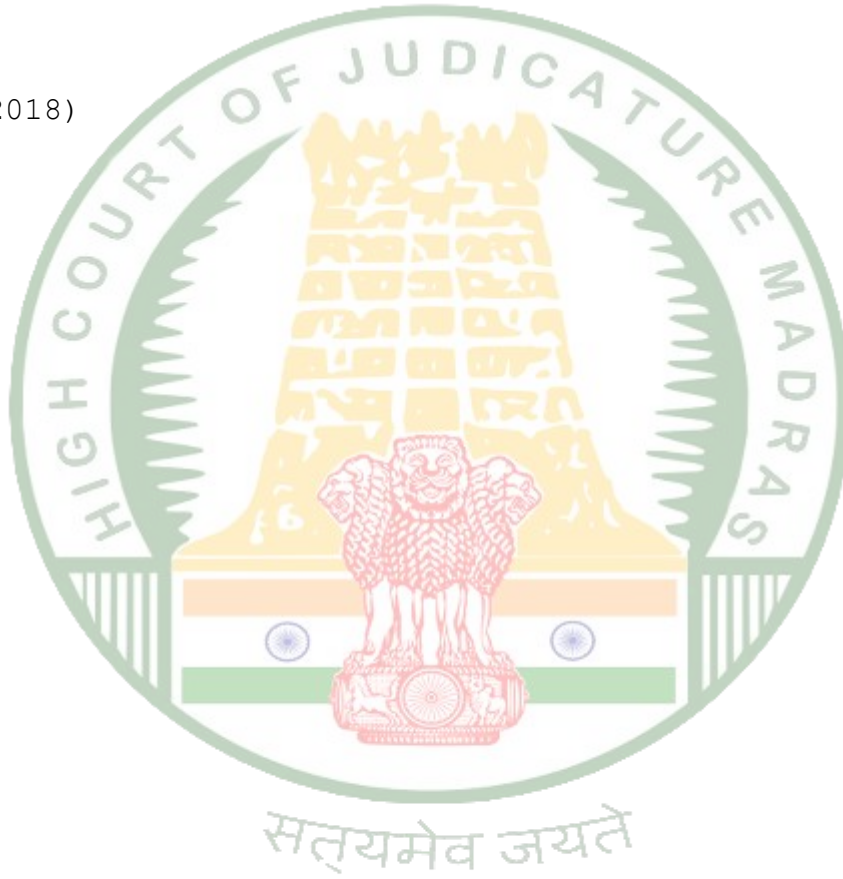
2. The Inspector of Police
J-2 Adyar Police Station
Chennai .

3.The Public Prosecutor,
Madras High Court, Chennai.

+1 CC to Mr.Nathan & Associates sr 28192.

CrI.O.P.No.10911 of 2018
&
CrI.M.P.No. 5580 of 2018

SP(08/05/2018)



WEB COPY