

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

CORAM:

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

Crl.O.P. No.2274 of 2017 & Crl.M.P. Nos.1620 & 5075 of 2017

V. Senthil

Petitioner

vs.

1 The Inspector of Police  
T-1, Ambattur Police Station  
Ambattur  
Chennai 600 053

2 Shanthi

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records pertaining to C.C. No.344 of 2016 in FIR No.1652/2016 dated 26.06.2016 on the file of the Judicial Magistrate, Thiruvavarur and quash the same.

For petitioner Mr. Mohamed Ismail

For R1 Mr. C. Raghavan  
Government Advocate (Crl. Side)

For R2 Mr. S. John J. Raja Singh

ORDER

This Criminal Original Petition has been filed seeking to call for the records pertaining to C.C. No.344 of 2016 in FIR No.1652/2016 dated 26.06.2016 on the file of the Judicial Magistrate Court, Ambattur and quash the same.

2 For the sake of convenience, the parties are referred to by their name.

3 On the complaint lodged by Shanthi, the second respondent herein, the first respondent police registered a case in Cr. No.1652 of 2016 on 26.06.2016 and after completing the investigation, has filed a charge sheet in C.C. No.344 of 2016 before the Judicial Magistrate, Ambattur, for the offences under Sections 354, 385 and 506(1) IPC read with Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002, against Senthil, the petitioner herein, seeking quashment of which, this Criminal Original Petition has been filed.

4 On the directions of this Court, Shanthi is present today. When questioned, Shanthi submitted that she has no means to engage an advocate to defend her case and sought legal assistance from this Court. At her request, Mr. J. John J. Raja Singh (Enrolment No.1721/2012), who has a reasonable standing in the Criminal Side, was requested to accept Shanthi's brief pro bono and accordingly, he took up the case.

5 Heard the learned counsel for the respective parties.

6 The learned counsel for Senthil submitted that admittedly, Senthil and Shanthi were in love while they were studying in college in 2003 and thereafter, they decided to sever their relationship; Shanthi got married to one Rajasekar on 27.03.2006 and she has two children through the wedlock; Shanthi has made false allegations against Senthil as if he was stalking and harassing her; Shanthi is always in the habit of lodging false complaints against everyone and the present complaint is also one of such kind.

7 In support of his contentions, the learned counsel for Senthil drew the attention of this Court to certain WhatsApp messages and submitted that those messages would show the innocence of Senthil.

8 Per contra, Mr. J. John J. Raja Singh refuted the contentions put forth by the learned counsel for Senthil.

9 On a reading of the charge sheet in C.C. No.344 of 2016, it is seen that it is alleged by Shanthi that she was in love with Senthil while they were in college in 2003 and thereafter, they severed their relationship and she got married to Rajasekar on 27.03.2006, through whom, she has two children; while so, Senthil, with the photographs and videos in his possession, which were taken earlier, has been threatening Shanthi that he would upload them in the internet and defame her, if she does not consent for his carnal pleasure getting satiated; Shanthi pledged her jewels on 01.07.2015 and 03.08.2015 and raised a sum of Rs.44,000/- and Rs.54,000/- respectively and had given the said sums to Senthil to purchase peace; notwithstanding that, Senthil appears to have come to Shanthi's house on 17.03.2016 and 18.03.2016 and had asked her to quench his carnal thirst. In the light of such serious allegations, this Court is of the view that this is not a fit case to quash the prosecution at the threshold.

10 It is true that subsequently also, Shanthi had to give another complaint against Senthil, pursuant to which, a case in Kodungiyur P.S. Cr. No.1709 of 2016 came to be registered against Senthil on 20.10.2016 and charge sheet has been filed in

C.C. No.175 of 2017 before the X Metropolitan Magistrate (Additional Mahila Court), Egmore, Chennai. This Court has dismissed Crl.O.P. No.17789 of 2018 preferred by Senthil, challenging the charge sheet in C.C. No.175 of 2017 vide separate order passed today.

11 From a conspectus of the facts obtaining in this case, it is obvious that Shanthi has been subjected to continuous harassment by Senthil and unable to withstand the same, she has been shifting her residence from one place to another, which is clear from the fact that the investigation in Cr. No.1652 of 2016 has been conducted by the Ambattur Police Station and the investigation in Cr. No.1709 of 2016 has been conducted by Kodungaiyur police. As there are disputed questions of fact, the same cannot be gone into in a quash petition.

12 Hence, this Criminal Original Petition is dismissed as being devoid of merits with liberty to Senthil to raise all the points before the Trial Court, after the charges are framed. Connected Crl.M.Ps. are closed.

13 This Court places on record its appreciation to Mr. J. John J. Raja Singh, learned counsel, for having conducted the case for Shanthi pro bono.

The Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. Senthil shall cross-examine the witnesses on the same day they are examined in chief, as held by the Supreme Court in Vinod Kumar vs. State of Punjab [(2015) 3 SCC 220]. If Senthil adopts dilatory tactics, he can be remanded to custody under Section 309 Cr.P.C. as laid down by the Supreme Court in State of Uttar Pradesh v. Shambhu Nath Singh [JT 2001 (4) SC 319]. If Senthil absconds, a fresh FIR can be registered against him under Section 229-A IPC.

सत्यमेव जयते Sd/-

Assistant Registrar(CS-ix)

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Sub Assistant Registrar

cad

To

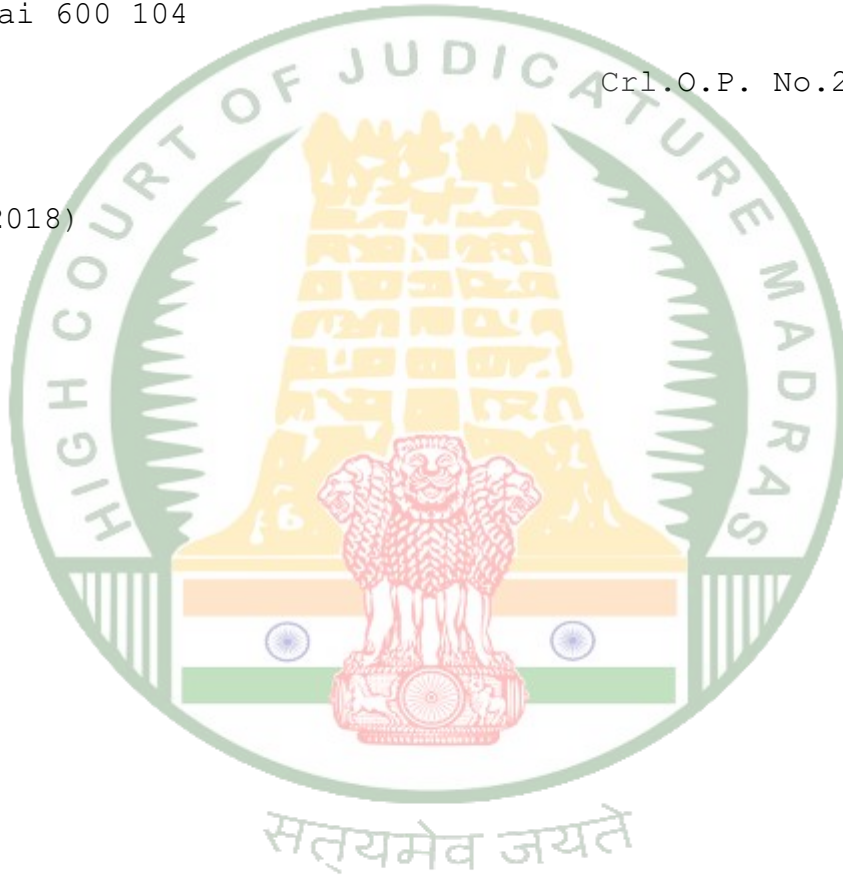
1 The Inspector of Police  
T-1, Ambattur Police Station  
Ambattur  
Chennai 600 053

2 The Judicial Magistrate  
Thiruvarur.

3 The Public Prosecutor  
High Court of Madras  
Chennai 600 104

Crl.O.P. No.2274 of 2017

SPD(CO)  
TR(09/08/2018)



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