

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2018

CORAM

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

CrI.O.P. No.11500 of 2018
and CrI.M.P.No.5985 of 2018

P.Kumaresan

... Petitioner/Accused

vs.

State rep. by

1.The Inspector of Police
All Women Police Station
Kanchipuram.

2.K.Revathi

... Respondents/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in C.C.No.207 of 2014 on the file of the Judicial Magistrate II, Kanchipuram, Kanchipuram District insofar as this petitioner is concerned and quash the same.

For petitioner : Mr.M.Senthamizh Selvan

For R1 : Mrs.Kritika Kamal, P.
Government Advocate [CrI.Side]

O R D E R

This petition has been filed to call for the records in C.C.No.207 of 2014 on the file of the Judicial Magistrate II, Kanchipuram, insofar as this petitioner is concerned and quash the same.

2. On the complaint lodged by the second respondent, the first respondent police have registered a case in Cr.No.244 of 2012 on 20.04.2012 and after completing the investigation, have filed a charge sheet in C.C.No.207 of 2014 before the Judicial Magistrate No.II, Kancheepuram against the petitioner herein for the offences under Sections 498-A, 294(b) and 506(i) IPC for quashing which, the accused has filed the present application.

3. Heard the learned counsel for the accused, learned Government Advocate (CrI.Side) for the State and the learned counsel for the de facto complainant.

4. The de facto complainant is present before this Court.

5. On a reading of the charge sheet, it is seen that the de facto complainant has alleged that the accused promised to marry her and had physical relationship with her, through which, she has begotten a child. It is further alleged that the accused married the de facto complainant on 14.12.2010 and kept her separately, but the accused lived with his parents. When the de facto complainant went to the house of the accused, she was turned away and was intimidated. Hence, the complaint and charge sheet.

6. Since there are sufficient materials for the prosecution to proceed, this is not a fit case to quash the prosecution.

7. Accordingly, this petition is dismissed with a direction to the trial Court to proceed with the trial in C.C.No.207 of 2014 and complete the same within a period of six months from the date of receipt of a copy of this order. The accused shall cross-examine the witnesses on the day they are examined-in-chief as held by the Supreme Court in Vinoth Kumar vs. State of Punjab [2015(1) MLJ (CrI) 288]. If the accused adopts any dilatory tactics, he should be remanded to custody in the light of the judgment of the Supreme Court in State of Uttar Pradesh v. Shambunath Singh [JT 2001 (4) SC 319]. If the accused absconds, a fresh FIR can be registered against him under Section 229-A IPC.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1.The Judicial Magistrate II, Kanchipuram,
Kanchipuram District

2.The Inspector of Police
All Women Police Station
Kanchipuram.

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3.The Public Prosecutor
High Court, Madras.

+1 CC to Mr.M. Senthamizh Selvan, Advocate sr 38896.

Crl.O.P. No.11500 of 2018

NRI (CO)
GSP(04/07/2018)



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