

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.17789 of 2018 & Crl.M.P. Nos.9224 & 9225 of 2018

V. Senthil

Petitioner

vs.

1 The Inspector of Police
P-6, Kodungaiyur Police Station
Chennai 600 118
(Cr. No.1709 of 2016)

2 Shanthi

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records pertaining to the final report in C.C. No.175 of 2016 pending on the file of the X Metropolitan Magistrate (Additional Mahila Court), Egmore, Chennai 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 the final report in C.C. No.175 of 2017 pending on the file of the X Metropolitan Magistrate, (Additional Mahila Court), Egmore, Chennai 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.1709 of 2016 on 20.10.2016 and after completing the investigation, have filed a charge sheet in C.C. No.175 of 2017 before the X Metropolitan Magistrate (Additional Mahila Court), Egmore, Chennai, for the offences under Sections 341, 294(b), 506(1) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002, against Senthil, the petitioner, for quashing which, the petitioner is before this Court.

4 On notice, Shanthi appeared in person before this Court and submitted that she has no means to engage an advocate to defend her case and sought legal assistance from this Court. Accordingly, at her request, this Court requested Mr. S. John J. Raja Singh, advocate (Enrolment No.1721 of 2012), who has a fairly good standing in the Criminal Side, to take up the case of Shanthi pro bono.

5 The learned counsel for Senthil submitted that the allegations in the final report are concocted, inasmuch as, Shanthi made false allegations against Senthil as if he had been stalking her even after her marriage. In support of this contention, the learned counsel for Senthil took this Court through various communications allegedly sent by Shanthi, including WhatsApp messages. He further submitted that Shanthi is estranged from her husband and that she has given a false complaint against him as well.

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

7 It is the case of the prosecution that Shanthi and Senthil were in love during their college days in the year 2005 and thereafter, they decided to sever their relationship. Subsequently, Shanthi got married to one Rajasekar and through him, she has two children, one of whom is a special child with visual impairment. It is further alleged that even after Shanthi had severed all ties with Senthil, Senthil has been continuously harassing her and forcing himself upon her asking for sexual favours.

8 In the light of such allegations made by Shanthi, this Court cannot look into the documents produced by Senthil across the Bar for deciding as to whether the prosecution is hit by mala fides.

9 Since there are prima facie materials in the charge sheet for the Trial Court to frame charges, the proceedings before the Trial Court cannot be interdicted in exercise of powers under Section 482 Cr.P.C. at the threshold.

In the result, this Criminal Original Petition is dismissed with liberty to Senthil to raise all the points before the Trial Court after the charges are framed. Connected CrI.M.Ps. are closed.

Sd/-
Assistant Registrar(CS-IX)

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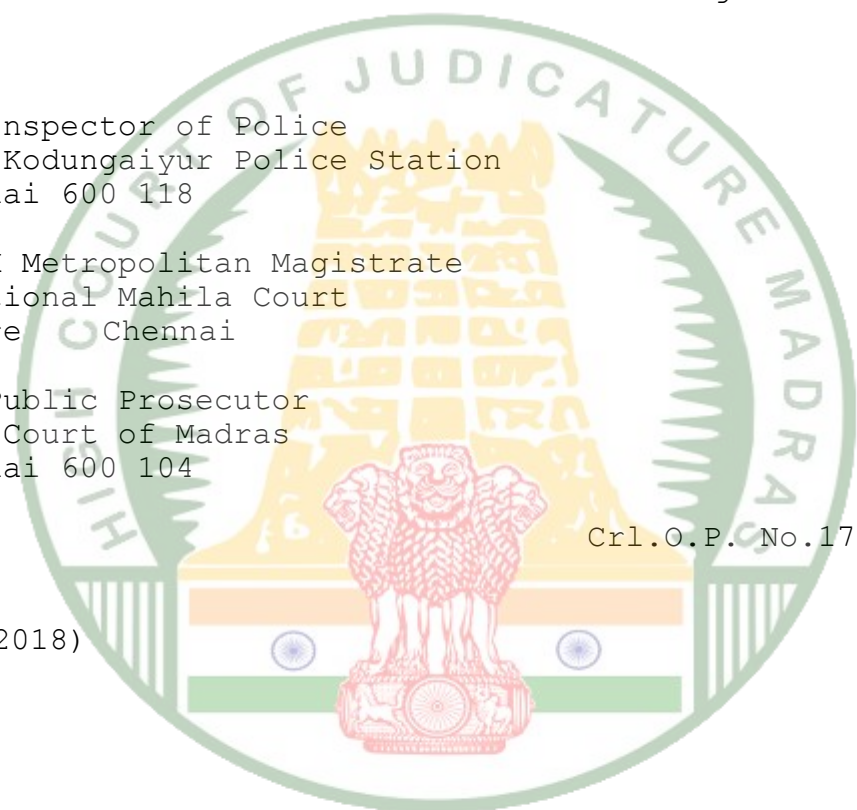
Sub Assistant Registrar

cad
To

- 1 The Inspector of Police
P-6, Kodungaiyur Police Station
Chennai 600 118
- 2 The X Metropolitan Magistrate
Additional Mahila Court
Egmore Chennai
- 3 The Public Prosecutor
High Court of Madras
Chennai 600 104

CrI.O.P. No.17789 of 2018

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

The seal of the High Court of Madras is a circular emblem. It features a central illustration of the Lion Capital of Ashoka, which is a four-lion capital standing on a base. The capital is flanked by two smaller lions. The entire emblem is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a circular border around the central image. Below the seal, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

सत्यमेव जयते

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