

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.10.2018

CORAM
THE HONOURABLE MR. JUSTICE P.N.PRAKASH
Crl.O.P.No.22771 of 2018

K.Azhagesan

...Petitioner

Vs

1 State rep by
The Station House Officer
All Women Police Station
Villianur, Puducherry.

2 Asha

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the PRC No.4 of 2016 on the file of the Judicial Magistrate-II, Puducherry and quash the same in respect of the petitioner herein.

For Petitioner : Mr.M.Gnanasekar

For R1 : Mr.Bharatha Chakravarthy
Additional Public Prosecutor
(Puducherry)

ORDER

This petitioner has been filed to call for the records relating to PRC No.4 of 2016 on the file of the Judicial Magistrate-II, Puducherry and quash the same in respect of the petitioner herein.

2. On the complaint lodged by Asha, the second respondent herein, that Sathish [A1] was in love with her and on the promise of marriage, had physical relationship with her and thereafter reneged, the police registered a case in Cr.No.15 of 2015 and after completing the investigation filed a final report in PRC No.4 of 2016 before the Judicial Magistrate No.II, Puducherry for the offences under Sections 417, 376, 420, 294 (b), 506(i) IPC and Section 4 of Dowry Prohibition Act r/w 34 IPC against five accused, including the petitioner herein.

3. Earlier, when the matter was at the stage of committal, this petitioner filed Crl.O.P.No.20932 of 2016 for quashing the prosecution and the same was dismissed by this Court on 15.09.2016. After the case was committed to the Court of Sessions, it was taken on file as S.C.No.34 of 2016 and was made

over to the Assistant Sessions Judge, Chief Judicial Magistrate, Puducherry for trial. At that juncture, Sathish [A1], Thangarasu [A2], Muthu [A3] and Saranya [A4] filed CrI.O.P.No.21378 of 2016, for quashing the prosecution on the short ground that Sathish [A1] got married to Asha [de facto complainant] on 29.10.2017 and the marriage was also registered on 01.11.2017. Recording the same, this Court allowed CrI.O.P.No.21378 of 2016 on 27.06.2018 and quashed the prosecution in S.C.No.34 of 2016 as against Sathish [A1], Thangarasu [A2], Muthu [A3] and Saranya [A4]. As a sequel, the prosecution as against this petitioner should also be quashed, because the allegation against the petitioner is that he is a relative of Sathish [A1] and had joined hands with the other accused in abusing the de facto complainant.

In the result, this petition is allowed and the prosecution in S.C.No.34 of 2016 (PRC No.4 of 2016 in Cr.No.15 of 2015) on the file of the Assistant Sessions Judge (Chief Judicial Magistrate), Puducherry is hereby quashed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gms

To

- 1 The Station House Officer
All Women Police Station
Villianur, Puducherry.
- 2 The Judicial Magistrate-II, Puducherry
- 3 The Assistant Sessions Judge (Chief Judicial Magistrate),
Puducherry
- 4 The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.73279
+1cc to the Government Pleader cum Public Prosecutor for
Puducherry, S.R.No.73613

CrI.O.P.No.22771 of 2018

rrs 12/11/2018