

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3030 of 2019 &
Crl.M.P.Nos.2008 & 2010 of 2019

R.Vinesh Kumar

... Petitioner

Vs.

1.State Rep. By
The Inspector of Police,
V 3, J J Nagar Police Station,
Anna Nagar, Chennai.
(Cr.No.226/2018)

2.B.Ishwarya

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with P.R.C.No.24 of 2018 on the file of the learned Principal Sessions District and Sessions Court, Thiruvallur (Unnumbered SC) and quash the same.

For Petitioner : Mr.B.Francis Xavier

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor for R1

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.24 of 2018 on the file of the learned Principal Sessions District and Sessions Court, Thiruvallur (Unnumbered SC).

2.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and there is absolutely no material to rope the petitioner with this crime. Even according to the statement of the victim, on 20.05.2018/21.05.2018 at about 1.30 hours, an unknown person aged about 25 years entered into the house of the victim and at knife point, he raped her and after the alleged occurrence, he sat along with the victim for 2 ½ hours and thereafter, he also threatened her not to disclose the same to anybody. Thereafter, he ran away from the scene of occurrence. Therefore, there is absolutely no identification of the petitioner as

accused and wrongly identified as accused by the victim and that there is no identification parade was conducted by the respondent to fix the person as accused. Further, the petitioner is happened to be a neighbour and therefore, he has been wrongly fixed as accused. It is further submitted that the statement recorded under Section 164 Cr.P.C., the victim and the mother-in-law of the victim disclose that the culprit has not been known to them and hence, the petitioner has been falsely roped in this crime. Therefore, the petitioner sought to quash the entire proceedings in PRC No.24 of 2018.

3.The learned Additional Public Prosecutor would submit that the respondent Police have registered a case in Crime No.226 of 2018 for the offence under Sections 450, 376(1) and 506(ii) of IPC. There are adequate evidences and materials as against this petitioner to convict him for the offence. Further, he pointed out that the petitioner is the sole accused and the statement recorded from the victim which is categorically proved and also identified the accused for the said charge. Therefore, he vehemently opposed to allow this petition.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

5.It is the case of rape by the petitioner. The petitioner has been charged for the offences under Sections 450, 376(1) and 506(ii) of IPC and now the case has been committed to the Court of Sessions in S.C.No.8 of 2019 on the file of the Mahila Court at Thiruvallur. It is also seen from the statement recorded from the victim that there is a specific allegation as against the petitioner and also identified the accused by the victim. Further, it is the case of rape and he is the sole accused. Therefore, there is absolutely no ground to entertain this petition by this Court.

6.Considering the severity and gravity of the offence committed by the petitioner, this Court is not inclined to quash the proceedings. Accordingly, this Criminal Original Petition is dismissed. The Mahila Court, Thiruvallur is directed to complete the proceedings S.C.No.8 of 2019 on the file of the Mahila Court, Thiruvallur, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

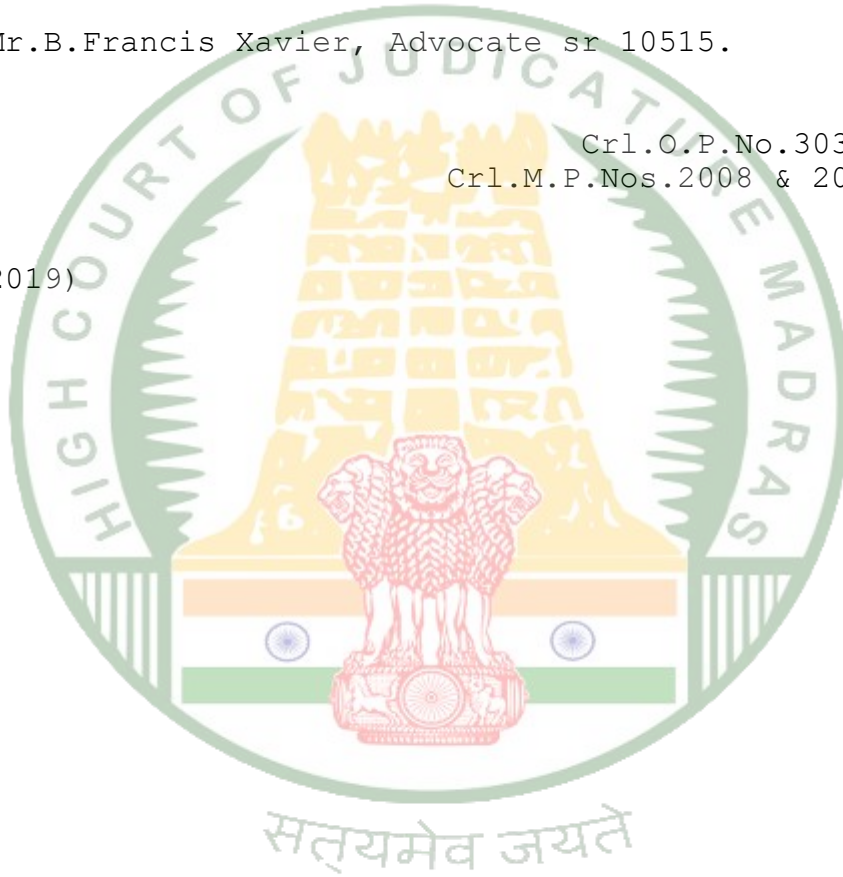
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To

1. The Presiding Officer
Mahila Court, Tiruvallur.
2. The Inspector of Police,
V 3, J J Nagar Police Station,
Anna Nagar, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.B.Francis Xavier, Advocate sr 10515.

Crl.O.P.No.3030 of 2019 &
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BR(CO)
SP(06/03/2019)



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