



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

**THE HONOURABLE MR.JUSTICE N.SESHASAYEE**  
**Cr1.O.P.[MD]No.6154 of 2019**

WEB COPY

1.Sasikala Pushpa  
2.Gowri : Petitioners/Accused 1 and 4

Vs.

1.The Inspector of Police,  
All Women Police Station,  
Pudukkottai, Thoothukudi District.  
(Crime No.5 of 2016) :1<sup>st</sup> Respondent/Complainant

2.Banumathi : 2<sup>nd</sup> Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.5 of 2016 on the file of the first respondent and quash the same in respect of the petitioners/accused No.1 and 4 is concerned.

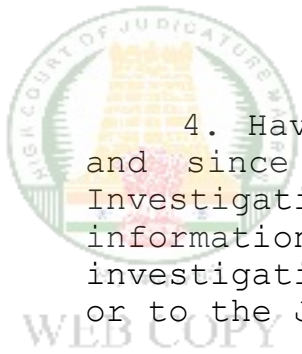
For Petitioners : Mr.M.Karunanithi  
For R-1 : Mr.V.Neelakandan,  
Additional Public Prosecutor.

### ORDER

The Criminal Original Petition has been filed to quash the proceedings in Crime No.5 of 2016 on the file of the first respondent police, for the alleged offence under Sections 294 (b), 323, 344, 354(A), 506 (I) IPC and Section 4 of TNPHW and Section 9 (i) (n) r/w. 10 & 16 r/w Section 17 of Protection of Children from Sexual Offences Act, 2012. The offence is chiefly private in nature.

2. The learned counsel for the petitioners submitted that the entire case itself is motivated and that there is no reference to the second petitioner whatsoever. He also submitted that to the knowledge of the petitioners, the prosecutrix writes letters to the Director General of Police stating that action shall be dropped in this case, but nothing has yet been done.

3. In view of the above and in the light of the guidelines given by the Hon'ble Supreme Court reported in **the State of Madhya Pradesh Vs. Laxmi Narayan & Others** [CDJ 2019 SC 264], this Court may not be able to invoke the power under 482 Cr.P.C., to quash the case such as this.



4. Having stated thus, since the case is pending investigation and since the prosecutrix is willing to share facts with the Investigating Agency, the Prosecutrix is free to share any specific information which may aid for a fair conclusion to the ongoing investigation, to the Superintendent of Police, Tuticorin District or to the Jurisdictional Deputy Superintendent of Police.

5. Final report in this case has to be filed only after the prosecutrix parting with the information. The Superintendent of Police, Tuticorin District is also directed to issue summons to the prosecutrix for the said purpose.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS II)

To

1.The Superintendent of Police,  
Tuticorin.

2.The Inspector of Police,  
All Women Police Station,  
Pudukkottai, Thoothukudi District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.S.VIJAYAKUMAR, Advocate, SR.No. 62995

+1cc to Mr.R.PON KARTHIKEYAN, Advocate, SR.No. 62655

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**TA**

**KK/SAR/24.05.2019/ 2P- 6C**