



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.21261 of 2016

and

Crl.O.P.(MD)Nos.10884 and 10885 of 2016

WEB COPY

Valaguru @ Raju ... Petitioner/Sole Accused
Vs

1.The State rep by
The Deputy Superintendent of Police,
Peraiyur Sub Division,
Madurai District.
(Crime No.235 of 2014) ...1st Respondent/Complainant

2.Chinnammal ...2nd Respondents/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records relating to the impugned charge sheet filed by the 1st respondent herein in Special S.C.No.42 of 2016 on the file of the III Additional District and Sessions Court (PCR), Madurai and to quash the same.

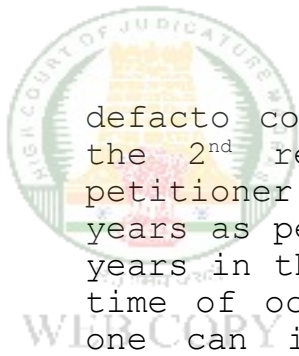
For Petitioner : Mr.A.Saravanan
For R1 : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the proceedings in Special S.C.No.42 of 2016 on the file of the III Additional District and Sessions Court (PCR), Madurai.

2.The case of the prosecution is that on 17.12.2014, at about 2.30 p.m, when the second respondent was sleeping in her house, due to her illness, the petitioner trespassed into her house and molested her by giving a sum of Rs.500/-. Thereafter, the defacto complainant lodged a complaint before the respondent police and the same was registered in Crime No.235 of 2014. After completion of investigation, the respondent police filed a final report before the III Additional District and Sessions Court (PCR), Madurai, and the same has been taken cognizance in Special S.C.No.42 of 2016 for the offence under Sections 448, 323, 506 (i) of IPC r/w Section 4 of TNWH Act r/w 3 (i) (xi) (r) (s) of SC/ST Act Amendment, 2014.

3.The learned counsel for the petitioner would submit that the victim is the neighbour to the petitioner. The petitioner is having agricultural land. In respect of the theft of electrical starter of motor pump set, there was a wordy quarrel between the petitioner and the defacto complainant's family members. Therefore, the sons of the



defacto complainant utilised the said circumstances and instigated the 2nd respondent to lodge a false complaint as against the petitioner. He would further submit that the victim is aged about 66 years as per her family card and her age was wrongly mentioned as 55 years in the final report. He would further submit that the date and time of occurrence has not been mentioned in the complaint and no one can imagine that 66 years old woman was molested by the petitioner. The entire allegations are prevail in nature and only due to previous enmity, the present complaint was lodged against the petitioner, since the petitioner is the ex-service man and presently working as security in the Transport Corporation Depot at Thirumangalam. Therefore, he sought for quashing the entire proceedings.

4. Though notice was served to the second respondent, no one has appeared for the second respondent.

5. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that on the complaint lodged by the second respondent, the first respondent registered a case in Crime No.235 of 2014. After completion of investigation, the respondent police filed a final report before the III Additional District and Sessions Court (PCR), Madurai, and the same has been taken cognizance in Special S.C.No.42 of 2016 for the offence under Sections 448, 323, 506 (i) of IPC r/w Section 4 of TNWH Act r/w 3 (i) (xi) (r) (s) of SC/ST Act Amendment, 2014. He would further submit that on 17.12.2014, the petitioner has attempted to molest the second respondent by giving a sum of Rs.500/- and the second respondent belongs to SC/ST community, there are specific allegations/overt act as against the petitioner to attract the offences.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

7. The petitioner is the sole accused. The case of the prosecution is that on 17.12.2014, at about 2.30 p.m, when the second respondent was sleeping in her house, due to her illness, the petitioner trespassed into her house and molested her by giving a sum of Rs.500/-. When the second respondent enquired about his identity, he informed that he is a police man and he also threatened her not tried to call any other.

8. On perusal of the complaint, when the second respondent was sleeping on the cot due to her illness, the petitioner trespassed into her house. Admittedly, at the time of occurrence, she is 66 years old. The petitioner is aged about 47 years and he is being the neighbour, allegedly trespassed into her house and tried to molest her after giving a sum of Rs.500/-. On perusal of the entire



serious type of statements and no brutal man entered into the house with Rs.500/- and offering the same for molesting her. Since, the petitioner is the neighbour to the second respondent herein, except he offered a sum of Rs.500/- to her, there is absolutely no other allegations to attract the offence under Section SC/ST Act. That apart, admittedly, there was a previous enmity between the petitioner and the second respondent's family members. On the date of alleged occurrence, there was a wordy quarrel between the petitioner and the defacto complainant's family members in respect of theft of Motor Pump Set belonging to the petitioner herein. The petitioner also aged about 47 years. Further, all the allegations are very trivial in nature and there is absolutely no prima facie materials against the petitioner to convict him. There are no ingredients to attract the offence as alleged by the prosecution. Therefore, the entire proceedings is nothing, but, clear abuse of process of law and it cannot be sustained as against the petitioner. As such, the petitioner need not to go for ordeal trial.

9. In view of the above, the proceedings in Special S.C.No.42 of 2016 on the file of the III Additional District and Sessions Court (PCR), Madurai is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The III Additional District and Sessions Court (PCR), Madurai.

2. The Deputy Superintendent of Police,
Peraiyur Sub Division, Madurai District.

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

+1 CC to M/s.A. SARAVANAN, Advocate (SR-19962[F] dated 14/10/2020)

Crl.O.P.(MD)No.21261 of 2016 and
Crl.O.P.(MD)Nos.10884 and 10885 of 2016

12.10.2020

CK(CO)

<https://hcs4.e-courts.gov.in/DocServices/P> 5C