

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1886 of 2021
and
Crl.M.P.Nos.1074 & 1075 of 2021

Selvarasu

..Petitioner/Accused

Vs.

1.State by

The Inspector of Police,
All Women Police Station,
Jeyakondam, Ariyalur District.
(Crime No.15 of 2019)

...Respondent/Complainant

2.Bhavani,

W/o.Paramanandham.

..Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call the entire records pertaining to the S.C.No.70 of 2020 on the file of the Sessions Judge, Mahila Court, Ariyalur and quash the same.

For Petitioner : Mr.B.Kumarasamy

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

O R D E R

This petition has been filed seeking to quash the proceedings in S.C.No.70 of 2020, on the file of the learned Sessions Judge, Mahila Court, Ariyalur.

2.A final report was filed against the petitioner for an offence under Section 376(2)(f), 376(2)(I), 376(2)(n) and 506(2) IPC.

3.The petitioner denied the entire allegations of rape in this case. To substantiate the said stand taken by the petitioner, the report given by the chemical examiner was placed before this Court, which clearly states that on the analysis of the DNA, the petitioner is not found to be the father of the

child of the victim who is said to have been raped by the petitioner. This Court directed the respondent Police to file a status report in this regard.

4.A status report was filed before this Court today. The relevant portions in the status report is extracted hereunder:

"7.I submit that during the course of investigation, on 2.12.2019, the medical examination on the accused was conducted at Govt. Hospital, Jayankondam. The blood samples of the victim girl and the accused are sent for DNA test to Forensic Science Dept. Trichy.

8.It is submitted that after completion of elaborate and detailed investigation, on 10.03.2020, the then Investigation Officer filed charge sheet against the petitioner/accused U/s.376(ii) (f) (I) (n) & 506(ii) IPC before the Judicial Magistrate Court, Jayankondam and the same was taken on file vide P.R.C.No.18 of 2020. Then, this case was committed to the Mahila Court, Ariyalur and assigned in S.C.No.70 of 2020 dated 2.9.2020. On 29.8.2020, the then Inspector of Police received DNA test report, which reveals that the accused is not the biological father of the fatal of the victim women.

9.I submit that if this Hon'ble Court permits, I will further investigate this case once again to find the real accused and to file final report before the competent court."

5.It is clear from the above status report that the case before the Court below cannot be proceeded further without conducting a further investigation in order to find out the real culprit. The respondent Police have rightly taken a decision to conduct a further investigation in this case in order to trace the real accused person. Till a further report is filed on the completion of the further investigation, the proceedings before the Court below will have to be kept in abeyance.

6.In view of the above, this Criminal Original Petition is disposed of with a direction to the Court below to keep the proceedings in S.C.No.70 of 2020 in abeyance till the respondent Police completes the further investigation and files a final report. The Court below shall thereafter act upon the further

report and proceed further in accordance with law.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Sessions Judge,
Mahila Court,
Ariyalur.
- 2.The Principal Sessions Judge,
Ariyalur.
- 3.The Inspector of Police,
All Women Police Station,
Jeyakondam, Ariyalur District.
(Crime No.15 of 2019).
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Kumarasamy, Advocate, S.R.No.10358

Cr1.OP.No.1886 of 2021

CA(CO)
KKV/23/02/2021

सत्यमेव जयते

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