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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.OP.NO.25839/2016

[Video Conferencing]

- 1.Mr.Kanagaraj
- 2.Mr.Rangasamy
- 3.Mr.Viji @ Vijayakumar
- 4.Mr.Bommayee

... Petitioners/Accused 2 to 5

Versus

1. State represented by the Inspector of Police
Velagoundampatty Police Station
Namakkal District.

... 1st Respondent/Complainant

2. Mrs.Bangaru

... Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for all the connected records in the Spl.CC.No.16/2016 on the file of the Court of Sessions Judge, Fast Track Mahila Court, at Namakkal, Namakkal District and to quash the charge sheet proceedings therein insofar as it relates to the 4 petitioners herein [A2 to A5].

For Petitioners : Mr.G.Vinoth for
Mr.B.Velmurugan

For R1 : Mr.E.Raj Thilak
Government Advocate
[Cr1.Side]



ORDER

- (1) The petitioners are A2 to A5 in Spl.CC.No.16/2016 now pending on the file of the Sessions Court, Fast Track Mahila Court at Namakkal. The said Special Calendar Case had been taken cognizance pursuant to the Final Report filed pursuant to the investigation in FIR in Crime No.178/2015 and it had been registered under Section 366 A IPC altered to 366A read with 3 and 4 of POCSO Act, 2012 and again altered to 366A read with 114 of IPC, 5[1] read with 6 and 5[1] read with 6 read with 17 of POCSO Act, 2012.
- (2) The 1st petitioner / A2 is the elder brother of A1. The 2nd petitioner/A3 is the uncle of A1. The 4th petitioner / A5 is the wife of A3/2nd petitioner and the 3rd petitioner is the son of A3 and A5/petitioners 2 and 4.
- (3) In the petition filed seeking to quash, it had been stated that there are no specific overt acts attributed as against any of the petitioners herein. It is stated that even if there are any allegations, they are not true and the offences are not made out.
- (4) I had the benefit of reading the statement recorded under Section 164 of Cr.P.C., of the victim and she had very categorically stated that the incident in the complaint took place in the house of the present petitioners herein who had the knowledge about the commission of the offence by A1.
- (5) Interfering with the further progress in Spl.CC.No.16/2016 would be extremely inappropriate. The petitioners herein can canvas their defence during the course of trial and that would be the appropriate method in which the petitioners can put forth all that they had stated seeking to quash the said Spl.CC.No.16/2016.
- (6) I am not inclined to interfere with the proceedings. Accordingly, the present Criminal Original Petition stands dismissed.



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(7) A direction is given to the learned Sessions Judge, Fast Track Mahila Court, Namakkal, to proceed further with the trial in Spl.CC.No.16/2016 and endeavour to complete the same within a reasonable period of time.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

AP

To

1. The Sessions Judge
Fast Track Mahila Court,
Namakkal, Namakkal District.
2. The Inspector of Police
Velagoundampatty Police Station
Namakkal District.
3. The Public Prosecutor
High Court, Madras.

Cr1.OP.No.25839 of 2016

VBM(CO)
RLP(14/09/2021)