



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.09.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.4286 of 2016
and CrI.M.P.Nos.2235 and 2236 of 2016

A.Leon Pascal

.. Petitioner/Accused

Vs.

1.State Rep. by
Inspector of Police,
All Women Police Station,
Kallakurichi,
Villupuram District.

.. Respondent/Complainant

2.A.Francishka Thangamani

.. Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to quash the final report in P.R.C.No.10 of 2013 in Crime No.20 of 2009 on the file of the learned Judicial Magistrate No.II, Ulundurpet, Villupuram District.

For Petitioner

.. No Appearance

For R1

.. Mr.E.Raj Thilak

Government Advocate (Criminal Side)

ORDER

There is no representation on behalf of the petitioner. There was also no representation on behalf of the petitioner on 25.08.2021 and on 07.09.2021.

2. The present Criminal Original Petition has been filed seeking to quash the final report in P.R.C.No.10 of 2013 in Crime No.20 of 2009, pending on the file of the learned Judicial Magistrate No.II, Ulundurpet, Villupuram District. The complaint in F.I.R.No.20 of 2009 leading to registration of

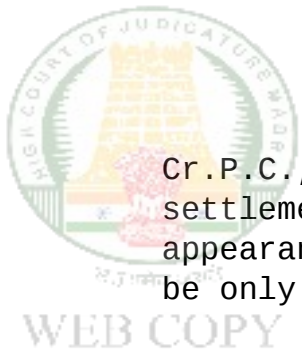


First Information Report was lodged on 19.10.2009 by the second respondent herein. According to her, the petitioner herein/accused had approached her about a year prior to the registration of First Information Report and had sexual intercourse with her and as a result of which, she became three months pregnant. He also gave her some assurance to marry her. Thereafter, he gave her pills to abort. Thereafter, the petitioner had gone back on his assurance to marry her. It is in these circumstances, complaint had been given leading registration of F.I.R under Sections 417 and 376 of I.P.C. The matter is now pending at P.R.C stage before the learned Judicial Magistrate No.II, Ulundurpet, Villupuram District.

3. In the petition, it is claimed that the petitioner herein is a newly enrolled advocate. It is also stated that the quash petition had been transferred to Lok Adalat and joint memo had also been filed to close the case. However, it is again stated that inspite of the same, final report had been filed before the competent Magistrate Court. In the final report, perusal of the list of witnesses shows that, the investigating officer had recorded statements from LW.2 who spoke about the actual fact of relationship between the petitioner herein and the defacto complainant and who had also assisted the defacto complainant in lodging the complaint and also LWs.3 to 7 who spoke about the continuous relationship between the petitioner herein and the defacto complainant and also LWs.10 and 11 who are both government doctors who had examined the defacto complainant and also other witnesses who were present during the course of investigation and the officer, who registered the First Information Report and the investigating officer.

4. The evidence of all these witnesses will actually have to be decided during the course of trial. Offences involved are quite serious in nature, attracting Section 376 of I.P.C. The petitioner himself stated that owing to the relationship, the defacto complainant had become pregnant of three months and thereafter, she was forced to abort the same by taking pills. Naturally, the veracity of the statements of the witnesses will have to be decided only during the course of trial.

5. The fact that the petitioner/defacto complainant had appeared before the Lok Adalat is of no significance whatsoever as any settlement with respect to offence under Section 376 of



Cr.P.C., has to be rejected by this Court and if at all, the settlement has been reached, the same is also rejected. Non-appearance of the learned Counsel for the petitioner appears to be only to drag on the matter.

6. Even if the learned Counsel for the petitioner had appeared, the nature of the order would not change. I have no hesitation in dismissing the present Criminal Original Petition and a direction is given to the learned Judicial Magistrate No.II, Ulundurpet, Villupuram District to issue summons to the accused and after following due procedure, commit the matter to the competent Sessions Court for trial.

7. With the above said observations, the Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

grs/kbs

To

1.The learned Judicial Magistrate No.II,
Ulundurpet,
Villupuram District.

2.The Inspector of Police,
All Women Police Station,
Kallakurichi,
Villupuram District.

3. The Public Prosecutor, Madras High Court, Chennai.

Cr1.O.P.No.4286 of 2016
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RR(CO)
B.VC (12/10/2021)