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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.1124 of 2018  
and  
Crl.M.P Nos.377 & 378 of 2018

J. Thirumaran  
S/o Jeganathan

...Petitioner

Vs.

1. State represented by  
Inspector of Police,  
All Women Police Station,  
Tindivanam,  
Villupuram District.

2. M.Parameswari  
D/o Muthu

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in P.R.C.No.15 of 2017 in Cr.No.14 of 2016 on the file of the learned Judicial Magistrate No.I, Tindivanam and quash the same.

For Petitioner : Mr.S.Y.Masood

For Respondent : Mr.C.E.Pratap  
Government Advocate(Crl.side)

ORDER

( This case has been heard through video conferencing)

This petition has been filed to call for the records in PRC No.15 of 2017 in Cr.No.14 of 2016 on the file of the Judicial Magistrate and quash the same.

2. The case of the prosecution is that the petitioner and the second respondent/defacto complainant are neighbours and distant relatives and they fell in love with each other. The petitioner under the pretext that he will marry the defacto complainant had sexual intercourse with her several times.



Thereafter, the petitioner refused to marry the defacto complainant. Hence, the second respondent registered a case against the petitioner.

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3. The learned counsel for the petitioner submitted that the defacto complainant in order to take vengeance against the petitioner has given a false complainant. He further submitted that in the forensic expert who examined the 2<sup>nd</sup> respondent/De-facto complainant in his report has reported that Spermatozoa was not detected. Hence the respondent police has erroneously filed a complaint.

4. The learned Government Advocate would submit that all the facts disputed by the petitioner cannot be heard in this petition filed under Section 482 of Cr.P.C and it is a matter of trial.

5. This Court is of the view that the grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below at the present point of time

6. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in P.R.C.No.15 of 2017 in Cr.No.14 of 2016, within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition are also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

smn

To

1. The Learned Judicial Magistrate-I,  
Tindivanam.



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

3. The Public Prosecutor,  
High Court, Madras.

CRL.O.P No.1124 of 2018  
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NSK 29/07/2021