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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23234 of 2021
and Cr1.M.P.No.12734 of 2021

Prabakaran ...Petitioner/Accused No.1

Vs.

1.State through
The Inspector of Police,
Thirupathur Town Police Station,
Vellore District.
(Crime No.526 of 2016)

...1st Respondent/Complainant

2.Dhandapani

...2nd Respondent/Defacto Complainant

3.Lavanya

...3rd Respondent/Victim

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records pertaining in P.R.C.No.08 of 2018 on the file of the learned Judicial Magistrate No.1, Thirupathur, in Crime No.526 of 2016 on the file of the 1st respondent and quash the same as illegal.

For Petitioner : Mr.B.M.Santharam

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor for R1

O R D E R

The petitioner has filed this petition praying to quash the proceedings in PRC.No.8 of 2018 on the file of the learned Judicial Magistrate No.1, Thirupathur. Based upon the final report filed by the respondent police, FIR was registered in Crime No.526 of 2016 under Sections 307, 341, 326A of IPC @ 341, 326(A), 307 of IPC r/w 4(1-A),2(1) of Tamil Nadu Prohibition of Harassment of Women Act, 1998.

2. The learned counsel for the petitioner submits that this petitioner viz, Prabhakar arrayed as A1 was no way connected with the alleged occurrence. Based upon the



confession statement of the other accused, he was falsely implicated in this case. As per the final report, the petitioner was charged under Sections 307, 341, 326A, 120B and 109 of IPC. He further submits that the petitioner was not in the place of alleged occurrence and hence he was no way connected in this case. He further submits that there was a money dispute between himself and the 3rd respondent. The petitioner entered agreement along with the victim/3rd respondent and her husband in respect of property. Apart from that, he was no way connected with any of the relationship with the victim/3rd respondent and the 2nd respondent/defacto complainant. Hence he prayed to quash the proceedings as vexatious one.

3. The learned Additional Public Prosecutor raised objection stating that there is prima facie material against this petitioner's involvement, apart from that on the date of alleged occurrence when victim Lavanya was passing through her quarters two unknown persons came there and poured acid on her body thereby sustained grievance injury on the head, right leg, right hand, and left hand. Thereafter, she was admitted in the hospital and after treatment she was not able to move her hand. Based upon the confession statement of the other accused, this petitioner was implicated in this case. After detailed enquiry, final report was lodged against him and it requires detailed trial proceedings. Hence he raised objection to quash the entire proceedings.

4. On perusal of records it reveals that she faced threatens from unknown persons on the date of alleged occurrence. The said Lavanya was working in police department and she suffered after acid pouring. FIR was lodged based upon the complainant by her husband. After completion of the investigation, final report was lodged and PRC was taken on file against this petitioner. Now the learned counsel for the petitioner submits that already the matter was compromised between the parties in respect of the house property. Hence he prayed to quash the entire proceedings.

5. Considering the facts and circumstances of the case and also on seeing the records, it reveals that there was no proof that final settlement of the said property was arrived between the victim and the defacto complainant. On seeing the gravity of the nature of the offence, which involves acid pouring it requires detailed trial proceedings, whether this petitioner is involved or not, it could be concluded after oral and documentary evidence and not at this stage. Therefore this court, was unable to conclude the proceedings against this petitioner is vexatious and on the other hand the respondent police conducted the proper investigation and file the final report. Hence, this Court finds no merit in this petition.



6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition, if any, is closed.

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Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

drl

To

- 1.The Judicial Magistrate No.I,
Thirupathur.
- 2.The Inspector of Police,
Thirupathur Town Police Station,
Vellore District.
- 3.The Public Prosecutor,
Madras High Court.

Crl.O.P.No.23234 of 2021
and
Crl.M.P.No.12734 of 2021

SRA (CO)
PR (21/01/2022)