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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.7858 of 2017
and Crl.M.P.Nos.5668 & 10418 of 2017

P.Sandilyan

...Petitioner/A1

Vs.

1. State rep. By
The Inspector of Police,
All Women Police Station,
Cheyyar, Thiruvannamalai District.
(Crime No.10 of 2016)

..1st Respondent/Complainant

2. V.Chitra

...2nd Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the case in P.R.C.No.6 of 2017 on the file of the Judicial Magistrate Court, Cheyyar, Thiruvannamalai District and quash the same insofar as the petitioner concern.

For Petitioner : Mr.R.Sasikumar
for Mr.R.Prabudoss

For Respondents : Mr.S.Vinoth Kumar
Government Advocate for R1

Mr.A.T.Raja R2

ORDER

This Criminal Original Petition has been filed to quash the final report in P.R.C.No.6 of 2017 pending on the file of Judicial Magistrate Court, Cheyyar, Thiruvannamalai District for



the offences under Sections 109, 328, 376, 511, 354 and 201 of IPC read with Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

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2. The petitioner herein is the first accused. The crux of the prosecution case is that this petitioner/A1 along with other accused (A2 and A3) entered into the house of the de facto complainant with an intention to sexually explicit the de facto complainant. They made the de facto complainant unconscious by using a kerchief coated with stupefying chemical and attempted to sexually assault her resulting in registration of the complaint.

3. The contention of the learned counsel for the petitioner is that there is a delay in filing the FIR and further, in the chemical analysis report there is no evidence of any poisonous substance in the kerchief and therefore, the entire prosecution has to be quashed.

4. Heard the learned Government Advocate (Crl.side) on the above submissions.

5. The learned Government Advocate (Crl.side) appearing for the State submitted that there are three accused in this case and this petitioner is the prime accused and the case is yet to be committed.

6. At the outset, I am unable to persuade myself to the contention of the learned counsel appearing for the petitioner. In fact, despite pointing out the nature of the trial to be conducted in this case, he insisted that the final report has to be quashed. That itself clearly indicates that the counsel has no idea about the criminal trial. This Court is of the view that as the charge is very serious in nature, merely on the basis of chemical analysis report, the final report cannot be quashed. It has to be established in the trial by examining PW1, the victim and the truth has to be unearthed in the trial. At this stage, this Court is not inclined to quash the final report.

Accordingly, this Criminal Original Petition is dismissed. The learned Magistrate shall commit the case to the Sessions Court within one month from the date of receipt of a copy of this order. On such committal, the trial Court shall, taking note of the delay caused due to the pendency of this



petition, dispose of the matter within a period of three months thereafter. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

gpa/gba

To

1.The Judicial Magistrate
Cheyyar, Thiruvannamalai District

2.The Inspector of Police,
All Women Police Station,
Cheyyar, Thiruvannamalai District.

3.The Public Prosecutor
Madras High Court
Chennai

Copy to

The Principal Sessions Judge
Tiruvannamalai

+1 CC to M/s.N.R. Appaswamee, advocate sr 67304
+1 CC to Mr.T. Raja, Advocate sr 67338.

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KJ(CO)
SP(04/01/2022)