



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25/11/2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 23643 of 2017

and

Crl.M.P.Nos. 13710 and 13711 of 2017

Bajrulhaq

... Petitioner

Vs

1. The State
rep. The Inspector of Police
Thittachery Police Station
Thittachery
Nagapattinam District.

2. Mala @ Habiba

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in connection with the case in C.C.No.22 of 2015 before the Judicial Magistrate No.II, Nagapattinam and quash the same.

For Petitioner ... Mr.C.T.Saravanan

For respondents ... Mr.R.Kishore Kumar
Government Advocate
for R.1

No appearance for R.2.

O R D E R

This Criminal Original Petition has been filed to quash C.C.No.22 of 2015 before the Judicial Magistrate No.II, Nagapattinam.

2. Heard Mr.C.T.Saravanan, learned counsel appearing for the petitioner, Mr.R.Kishore Kumar, learned Government Advocate (Criminal Side) for the first respondent and there is no representation on behalf of the second respondent.

3. Learned counsel appearing for the petitioner submitted that on an earlier occasion, first respondent registered a case in Crime No.269 of 2014. On enquiry, first respondent closed



the case as mistake of fact. Again on 6/11/2014, the second respondent preferred the protest petition. Hence prays to quash this Criminal Original Petition.

4. On a careful perusal of the private complaint, the allegation of molesting has been made. Whether the same has been made or not has to be proved before the trial Court. Merely because previous complaint has been closed by the Police, the same cannot be a reason to quash private complaint.

5. In such a view of the matter, this Court is not inclined to entertain this Criminal Original Petition at this stage. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

mvs.

To

1. The Judicial Magistrate No.II,
Nagapattinam
2. The Inspector of Police
Thittachery Police Station
Thittachery
Nagapattinam District.
3. The Public Prosecutor
Madras High Court
Chennai.

Cr1. O.P. No. 23643 of 2017
and
Cr1.M.P.Nos. 13710 and 13711 of 2017

PMK (CO)
GMY (08/12/2021)