



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.24598 OF 2017

AND

CRL.M.P.NOS.14224 & 14225 OF 2017

1. E.Mohana

2. C.Elangovan

3. B.Subhalakshmi

... Petitioners

.Vs.

1. The State Represented by
The Inspector of Police,
W-3 All Women Police Station,
Chintadripet,
Chennai.

2. Geetha Priya

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the entire proceedings in P.R.C.No.56 of 2017 on the
file of the XIV Metropolitan Magistrate, Egmore, Chennai, and
quash the same.

For Petitioners : Mr.R.Karthick Sevugapperumal

For R1 : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

For R2 : No appearance

O R D E R

This Criminal Original Petition has been filed to quash the
proceedings in P.R.C.No.56 of 2017 on the file of the XIV
Metropolitan Magistrate, Egmore, Chennai.



2. The crux of the prosecution charges is that, on a false promise of marriage, A1 had sexual intercourse with the de facto complainant, by giving drugs in cool drinks, on several occasions. Thereafter, on 20.12.2014, A2 to A4, the present petitioners, warned and abused the de facto complainant over phone and caused criminal intimidation.

3. The learned counsel for the petitioners submitted that, except the above allegations, there are no other materials to proceed as against the present petitioners/A2 to A4.

4. Heard the learned counsel on either side and perused the entire materials available on record.

5. On a perusal of the materials available on record, except the allegation that the present petitioners warned the de facto complainant over phone with regard to the relationship with A1, there is no other material on record to show that they caused criminal intimidation which caused apprehension to the life of the de facto complainant. In such view of the matter, continuance of prosecution as against the present petitioners for the offence under Section 376 IPC, along with A1 who is charged for the offence under Section 376 IPC, is nothing but a futile exercise and the parties who have no fault on their part cannot be forced to face the trial. Therefore, the proceedings as against the present petitioners is liable to be quashed.

6. It is stated by the learned counsel for the petitioners that the 2nd petitioner/A3 has died. Therefore, the proceedings in P.R.C.No.56 of 2017 on the file of the XIV Metropolitan Magistrate, Egmore, Chennai, as against A2 and A4 alone are quashed and the charges as against A3 shall stand abated on production of death certificate before Trial Court.

7. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mkn

To

1. The XIV Metropolitan Magistrate,
Egmore, Chennai.



2. The Inspector of Police,
W-3 All Women Police Station,
Chintadripet, Chennai.

3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.24598 OF 2017

KG (CO)
PBS/14/12/2021