



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO. 24674 OF 2017

AND

CRL.M.P.NOS.14268 AND 14269 OF 2017

1.Joel Livingston
2.Joshua Thangamani
3.Stella Mary

...Petitioners / Accused

Versus

The State rep. by,
The Inspector of Police,
W-8, All Woman Police Station,
Chennai-600 118.

...Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the criminal proceedings in C.C.No.170 of 2017 in Crime No. 04 of 2014 on the file of the Hon'ble Metropolitan Magistrate Additional Mahila Court, Allikulam Complex, Chennai and quash the same.

For Petitioners : Mr.B.Ganesha Moorthy

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the final report in C.C.No.170 of 2017 for the offences under Sections 420, 294(b), 324, 506(i) IPC @ 294(b), 324, 312, 417, 506(ii) IPC on the file of the Metropolitan Magistrate, Additional Mahila Court, Allikulam Complex, Chennai.

2.The main crux of the allegations against the petitioners is that, A1 under the pretext of marrying the de facto complainant, had sexual intercourse with her many times and thereby, committed an offence under Section 417 IPC and also subjected to miscarriage. A2 and A3 also abused the de facto complainant seriously.



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

4. The prosecution has collected the materials and filed a final report in this case. Though it is submitted by the learned counsel appearing for the petitioners that it is a false case, such contention is of no relevance at all before this Court exercising jurisdiction under Section 482 Cr.P.C. When the collected materials make out prima facie materials to proceed against the accused for the offences under Section 417 IPC and other aforesaid provisions of IPC, this Court cannot exercise jurisdiction under Section 482 Cr.P.C. and quash the proceedings at this stage. Therefore, this Court is not inclined to quash the criminal proceedings at this stage.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

psa/mkn

To

1. The Metropolitan Magistrate,
Additional Mahila Court,
Allikulam Complex, Chennai.
2. The Inspector of Police,
W-8, All Women Police Station,
Chennai-600 118.
3. The Public Prosecutor,
High Court, Madras.

Cr1. O.P. No. 24674 of 2017

CA(CO)
RVM(16/12/2021)