



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P.NO.15253 OF 2017

AND

CRL.M.P.NOS.9596 & 9597 OF 2017

Saravanan

... Petitioner

Versus

1. State rep. by
The Inspector of Police,
All Women Police Station,
Namakkal.
(Crime No.5 of 2015)

2. C.Shanmuga Priya,
(2nd respondent is impleaded as per
the order of this Hon'ble Court dated
20.09.2017 made in
Crl.M.P.No.11898 of 2017)

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with C.C.No.85 of 2016 on the file of Judicial Magistrate No.II, Namakkal and quash the same.

For Petitioner	:	Mr.V.R.Annagandhi
For Respondents	:	Mr.S.Vinoth Kumar
		Government Advocate (crl.side) for R.1

Mr.S.Kalyanaraman for R2

O R D E R

This Criminal Original Petition has been filed to quash the proceeding laid down in C.C.No.85 of 2016, pending on the file of Judicial Magistrate No.II, Namakkal.



WEB COPY

2. Heard the learned counsel appearing for the petitioner, Mr.S.Vinoth Kumar, learned Government Advocate appearing for the 1st Respondent and the learned counsel appearing for the second respondent. Perused the materials available on record.

3. The allegation against the accused is that the accused harassed the defacto-complainant frequently over phone and also threatened her that he will post obscene photographs and videos of the defacto-complainant. Therefore, she was forced to take steps to commit suicide by consuming tablets. Hence, the accused was charged for the offence punishable under Section 4 of TNPWH Act and Section 294 (b) and 506 (i) of the Indian Penal Code.

4. The learned counsel appearing for the petitioner submitted that the entire case has been falsely foisted against the petitioners, which is an abuse of process of law. The medical evidence and statement of the Doctor clearly indicates that the defacto-complainant has took only Paracetamol tablet. In the deposition, she had stated that she made an attempt to commit suicide because of her family problem only. Further, the learned counsel appearing for the petitioner submitted that no documents have been produced to prove the obscene photos or videos. Therefore, prays for quashing C.C.No.85 of 2016.

5. I am unable to countenance the submissions advanced by the learned counsel appearing for the petitioner. Whether the alleged offence is made out or not, is a matter of evidence. The prosecution has examined 12 witnesses and there are prima facie materials collected from the statement of the witnesses. Their validity can be decided only before the trial Court. In such a view of the matter, this Court is not inclined to quash C.C.No.15253 of 2017.

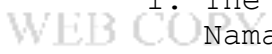
6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

shk/mvs



1. The Judicial Magistrate No.II,
Namakkal.

3. The Inspector of Police,
All Women Police Station,
Namakkal.
(Crime No.5 of 2015)

+1cc to Mr.S.Kalyanaraman, Advocate, SR.NO.60924 (29/12/2021)

BP (CO)
PM/13/12/2021