



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM :

THE HONOURABLE **Mrs. JUSTICE R. HEMALATHA**

Crl.O.P.(MD)No.3389 of 2021

and

Crl.M.P.(MD)No.1873 of 2021

Nadarajan

...Petitioner/Sole Accused

/Vs./

1.State of Tamil Nadu,

Represented by the Inspector of Police,

Palayamkottai Police Station,

Tirunelveli District.

(Crime No.234 of 2019)

... 1st Respondent/Complainant

2.Kala WHC 336,

All Women Police Station,

Tirunelveli Rural,

Tirunelveli District.

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.996 of 2019 on the file of the learned Judicial Magistrate No.I, Tirunelveli and quash the same.

For Petitioner

: Mr.S.Ramakrishnan

For Respondent No.1

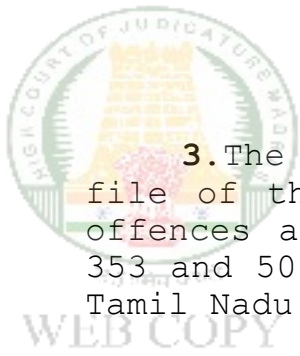
: Mr.A.Robinson

Government Advocate

ORDER

This petition is filed seeking for a direction to quash the proceedings in C.C.No.996 of 2019 on the file of the Judicial Magistrate No.I, Tirunelveli.

2.Mr.S.Ramakrishnan, learned counsel for the petitioner seeks to quash the entire proceedings in C.C.No.996 of 2019 on the following grounds that (i)The Inspector of Police, Palayamkottai Police Station, Tirunelveli, has filed a final report without any basis and (ii)There is no independent witness of the alleged



3.The petitioner is facing trial in C.C.No.996 of 2019 on the file of the learned Judicial Magistrate No.I, Tirunelveli and the offences alleged against the petitioner are under Sections 294(b), 353 and 506 (i) of the Indian Penal Code, 1860 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4.A perusal of the final report *prima facie* shows that the present petitioner / accused committed offences punishable under Sections 294(b), 353 and 506 (i) of the Indian Penal Code, 1860 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and therefore, the proceedings in C.C.No.996 of 2019 cannot be quashed on the grounds raised by the present petitioner.

5.In the decision reported in **2020 SCC online SC 958 in Skoda Auto Volkswagen India Private Limited vs. State of Uttar Pradesh and others**, it has been held thus :

"It is needless to point out that ever since the decision of the Privy Council in King Emperor vs. Khwaja Nazir Ahmed, the law is well settled that Courts would not thwart any investigation. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on. As cautioned by this Court in State of Haryana vs. Bhajan Lal, the power of quashing should be exercised very sparingly and with circumspection and that too in the rarest of rare cases. While examining a complaint, the quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or in the complaint. In S.M. Datta vs. State of Gujarat, this Court again cautioned that criminal proceedings ought not to be scuttled at the initial stage. Quashing of a complaint should rather be an exception and a rarity than an ordinary rule. In S.M. Datta (supra), this Court held that if a perusal of the first information report leads to disclosure of an offence even broadly, law courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere."

6.In the circumstances, I do not find any reason to quash the proceedings in C.C.No.996 of 2019. Accordingly, this Criminal Original Petition is dismissed as devoid of merits. However,

<https://hcservices.ecourts.gov.in/hcservices/>



personal appearance of the petitioner before the trial Court is dispensed with and the petitioner should appear before the concerned Magistrate, as and when his presence is required. Consequently, connected Miscellaneous petition is dismissed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Judicial Magistrate No.I, Tirunelveli.

2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.RAMAKRISHNAN, Advocate (SR-9067[F] dated
05/03/2021)

Crl.O.P.(MD)No.3389 of 2021
04.03.2021

SJ(CO)

TR(26.03.2021) 3P 5C