



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.6221 of 2021

and

Crl MP(MD)Nos.3567 & 3568 of 2021

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1.Saravanan ... Petitioner /Accused No.1
2.Janagi ... Petitioner / Accused No.2
vs.
1.The Inspector of Police,
AWPS (All Women Police Station),
Pudhukkottai. ... 1st Respondent/Complainant
2.Latha ... 2nd Respondent/
Defacto complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.Pc, to call for the records in C.C No.2 of 2021 on the file of the Additional Mahila Court (Judicial Magistrate Level), Pudhukkottai and quash the same.

For Petitioners : M/s.A.Arul Jeniffer
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor for R1
Mr.D.Ramesh Kumar for R2

ORDER

This criminal original petition has been filed to quash the proceedings in C.C No.2 of 2021 on the file of the Additional Mahila Court (Judicial Magistrate Level), Pudhukkottai. The second respondent is the defacto complainant. She is a police constable. A reading of the allegations would indicate that they are directed primarily at the first petitioner. The learned counsel for the petitioner would submit that this criminal original petition can be dismissed as regards the first petitioner and that he would face the matter in a regular trial before the trial court.

2.The second petitioner is a woman. The question of invoking Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 will not arise at all. As regards the second petitioner, the charge is only under Section 294(b) of IPC. Even according to the defacto complainant, the occurrence is said to have taken place some five years prior to the registration of the FIR. The allegation of the defacto complainant as regards the second petitioner are utterly vague and devoid of particulars. She does not deserve to be prosecuted on such flimsy ground. Continuation of the impugned



proceedings as against the second petitioner would be an abuse of legal process. The impugned proceedings stands quashed as against the second petitioner is concerned. The trial will go on against the first petitioner. This criminal original petition stands partly allowed. Connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

skm

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 Additional Mahila Judge,
(Judicial Magistrate Level),
Pudukkottai.
- 2.The Inspector of Police,
AWPS (All Women Police Station), Pudhukkottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of the Madras High Court, Madurai.

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