



Crl.O.P.No.2393 of 2019
and Crl.M.P.No.1563 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2022

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.2393 of 2019
and Crl.M.P.No.1563 of 2019

1.Mani
2.Gowri
3.Munusamy

.. Petitioners

Vs.

1.State Rep.,by The Inspector of Police,
AWPS, Tiruthani,
Tiruvallur District.
Crime No.03/2016
2.Vanitha

..Respondents

PRAYER : Criminal Original Petition has been filed under section 482 of Criminal Procedure Code to call for the records in S.C.No.193/2018 pending on the file of the Fast Track Mahila Court, Tiruvallur District and to quash the same.

[Amended as per order dated 01.02.2019 in M.P.No.1920/2019 in Crl.O.P.No.2393/2019 dated 01.02.2019]

For Petitioner : Mr.NSudharsan

For R1 : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

For R2 : Mr.G.Kartheeban



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ORDER

This Criminal Original Petition is filed to quash the complaint in S.C.No.193 of 2018, pending on the file of the learned Fast Track Mahila Court, Thiruvallur.

2. The sum and substance of the charge framed against these petitioners is that one Raghunathan running a textile shop had raped the *de facto* complainant, who was working as a staff in his shop, while giving tea mixed with unwholesome drug. He had also promised to marry her. Thereafter, the accused tied thali to the *de facto* complainant after panchayat. However these petitioners threatened the *de facto* complainant to set fire if she comes home. Therefore, the 1st accused though promised to take her and live with her, refused to take her back and live with her as husband and wife. Hence the final report for the offences under Sections 417, 376(1), 506(1) r/w 34 of I.P.C.

3. The learned counsel for the petitioners 2, 3 and 4, father, mother and uncle of the prime accused A1 submitted that even according



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to the prosecution, the allegation is only criminal intimidation that the *de facto* complainant will be set to fire if she comes home. The said allegations does not attract the offence under Section 506(1) of I.P.C.

4. However, on considering the fact that after the complaint, the police has taken up investigation and has recorded the statements of witnesses wherein the participation of these petitioners in panchayat. Thereafter, the criminal intimidation has been spoken by the witnesses. After the child birth, DNA test was conducted, the paternity of the child being attributed by A1.

5. In the said facts and circumstances and the materials collected by the prosecution, this Court finds that there is no ground to quash the complaint as against these petitioners for facing charge for the offence under Section 506(1) r/w.34 of I.P.C. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.



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6. Since the incident has taken place in the year 2010 and the matter is pending for more than 6 years, the trial Court is directed to complete the trial as expeditiously as possible.

20.09.2022

Internet : Yes/No

Index: Yes/No

rpl

1.The Fast Track Mahila Court, Tiruvallur District

2.The Inspector of Police,
AWPS, Tiruthani,
Tiruvallur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai-104.

Dr.G.JAYACHANDRAN, J.



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