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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.5422 of 2022
and
CrI.M.P.No.2953 of 2022

Rajkumar

...Petitioner

-Vs-

1.The State of Tamilnadu, rep by
The Inspector of Police,
All Women Police Station,
Denkanikottai, Krishnagiri District.

2.Sanjeevi

..Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records pertaining to FIR in Crime No.18 of 2021 on the file of the respondent herein and quash the same.

For Petitioner : Mr.R.Selvakumar

For Respondents: Mr.A.Gokulakrishnan for R1
Addl. Public Prosecutor(CrI.side)

R2-No appearance

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to FIR in Crime No.18 of 2021 on the file of the respondent herein and quash the same.

2. Learned counsel for the petitioner submitted that in respect of the incident occurred on 07.10.2021, the petitioner herein had given a complaint against one Pushparaj and 3 others, based on which, Anchetty Police Station has registered a case in Crime No.206 of 2021, for the offences under Sections 294(b), 323, 342, 506(2) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. He would



further submit that when the petitioner had gone to the police station, he was arrested and falsely implicated in this case. The present case in Crime No.18 of 2021 was registered by All Women Police Station, Denkanikottai on 06.09.2021 and thereafter on 22.09.2021, statement was recorded from the victim girl, based on which, the petitioner herein was implicated in this case. He would also submit that this is a case of false implication and thereby, he seeks to quash the proceedings.

3. Learned Additional Public Prosecutor would submit that it is a case where the victim girl aged about 14 years was abused by one Kottaiyan (Victim's Paternal Uncle). He would further submit that the victim has given a statement on 22.09.2021, stating that the petitioner had subjected her to penetrative sexual intercourse repeatedly. He would also submit that there are specific allegations as against the petitioner and the investigation is at the initial stage and therefore, the allegation of false implication cannot be gone at this stage.

4. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor and perused the materials available on record.

5. It appears that there is specific allegation against the petitioner and the investigation is at the initial stage and therefore, the plea of the petitioner to quash the FIR cannot be entertained at this stage. This Criminal Original Petition is liable to be dismissed and accordingly it is dismissed. However, a direction is issued to the 1st respondent to conduct investigation since the allegations are heinous in nature. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

nr/nti

To

1. The Inspector of Police,
All Women Police Station,
Denkanikottai, Krishnagiri District.



2. The Public Prosecutor,
High Court, Madras.

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+1cc to M/s.R.Selvakumar, Advocate, S.R.No.15727

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and
Crl.M.P.No.2953 of 2022

NK(CO)
SU(23/03/2022)