



CrI.O.P.No.25414 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

CrI.O.P.No.25414 of 2021 and
CrI.M.P.No.14085 of 2021

Rajesh Bajaj

...Petitioner

Vs.

1. The State rep by
the Inspector of Police,
All IWomen Police station,
Vepery, Chennai.

2. S.Julie Christilda

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in Crime No.7 of 2021 on the file of the respondent Police and quash the same.

For Petitioner : Mr.K.Nagarajan

For 1st Respondent: Mr.A.Damodaran
Additional Public Prosecutor

For 2nd Respondent : Mr.A.Nagarajan

ORDER

This Criminal Original Petition is filed to quash the proceedings in
Crime No.7 of 2021 on the file of the respondent Police.



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2. On the complaint given by the 2nd respondent/defacto complainant, a case has been registered against the petitioner in Crime No.7 of 2021 for the offences under Section 8, 11(i), 11 (v) r/w Section 12 of Protection of Child from Sexual Offences Act, 2012.

3. The learned counsel for the petitioner would submit the above complaint has been given only with an intention to harass the petitioner. He would further submit that during the month of July 2019, the defacto complainant broke open the flat of the petitioner and entered with some unknown persons; when the petitioner asked, she replied that she wanted him to vacate the premises and demanded a sum of Rs.10 lakhs; in this regard, a complainant has been given by the petitioner on 22.07.2019 itself; Similarly there are several cases pending between the petitioner and the 2nd respondent and in order to take revenge, the 2nd respondent has given the complaint on the ground of sexual abuse against the petitioner.

4. The learned Additional Public Prosecutor would submit that the victim has given 164 statement wherein she had stated about the occurrence



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and hence *prima facie* materials available to make out a case against the petitioner and to continue investigation.

5. On perusal of the records, it is seen that the victim herself has given 164 statement before the Magistrate and it has some incriminating material against the accused. Hence I feel it is not a case where further proceedings could be quashed at the threshold stage itself. If at all the petitioner aggrieved over the alleged motive, he can very well put forth his defence during trial. Since this Court cannot do any roving enquiry with regard to the alleged motive and it is a question of fact, I feel it is appropriate to allow the respondent Police to continue investigation.

6. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

16.11.2022

vum
Index:yes/No
Speaking order / Non speaking order



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R.N.MANJULA,J.

vum

To

1. The Inspector of Police,
All IWomen Police station,
Vepery, Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai.

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