



CrI.O.P.(MD) No.11339 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.11339 of 2022

and

CrI.M.P(MD)No.7151 of 2022

Devi

...Petitioner

VS

1.State through
The Inspector of Police,
All Women Police Station, Theni,
Theni District. (Cr.No.26 of 2021)

2.Suganya

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the S.C.No.49 of 2022 on the file of the Principal District Court, Theni District and to quash the same as against the Petitioner as illegal in interest of justice.

For Petitioner : Mr.S.Vikram

For R1 : Mr.B.Nambiselvan
Additional Public Prosecutor

For R2 :Mr.B.Mahendra Rajan



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ORDER

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This Criminal Original Petition has been filed to quash the final report in S.C.No.49 of 2022 on the file of the Court of learned Principal District Judge, Theni District.

2.Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the first Respondent.

3.The learned Counsel for the Petitioner submitted that there is no specific overt act against the Petitioner. Therefore, he seeks to quash the complaint against the Petitioner in S.C.No.49 of 2022.

4.The learned Counsel for the second Respondent states that he has no objection in quashing the complaint against the Petitioner herein.

5.The learned Additional Public Prosecutor vehemently objected to the same stating that there are specific overt acts mentioned in the final report. The A1 is the husband of the Petitioner herein. The husband of the Petitioner herein is serving in the Indian Army. He is



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alleged to have threatened the De-Facto Complainant that he will upload the video of the De-Facto Complainant taken surreptitiously by the husband of the Petitioner in his mobile while the De-Facto Complainant changing her dress after taking bath. Therefore, an FIR has been registered for the offences punishable under Sections 376, 506(2) IPC and Section 67 of Information Technology Act, 2000 and after enquiry final report had been laid before the learned Principal District Judge, Theni District. The case is posted for trial on 12.12.2022 and 15 witnesses are already cited by the prosecution. The case is pending for trial. The learned Additional Public Prosecutor further submitted that the husband of the Petitioner alleged to have threatened the De-Facto Complainant. Therefore, it is not a fit case for quashing the complaint.

6.The submission of the learned Counsel for the second Respondent that he has no objection has been rejected in the light of the serious allegations made against the husband and wife by the De-Facto Complainant. It is not a fit case for quashing the complaint in the light of the vehement objection by the learned Additional Public Prosecutor. Hence, this Petition is dismissed.



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7.The Petitioner is directed to cooperate with the trial proceedings. The learned Trial Judge is directed to proceed with the trial. If any one of the accused is failed to appear, he shall detain the accused on execution of non bailable warrant till the trial is concluded. The learned Trial Judge is directed to dispose of the case within a period of two months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

27.10.2022

Index:Yes/No

cmr

To

1.The Principal District Court, Theni District.

2.The Inspector of Police,
All Women Police Station, Theni,
Theni District.



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SATHI KUMAR SUKUMARA KURUP, J.

cmr

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