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Crl.OP.No.2609 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2609 of 2023

Suriyamoorthy @ Suri Stephen

... Petitioner

Vs.

1.The State Represented by its Inspector of Police,
AWPS Ooty Town Police Station,
The Nilgiris.

2. Nathiya

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the records in Spl.C.C.No.37 of 2022 at Mahila Court at
Udhagamandalam and quash the same.

For Petitioner

: Mr.L.KCharles Alexander

For Respondents

: Mr.S.Santhosh, (for R1)
Government Advocate(Crl.side)

ORDER



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This Criminal Original Petition has been filed to call for the records in Spl.C.C.No.37 of 2022 at Mahila Court at Udhagamandalam and quash the same

2.The learned counsel for the petitioner submitted that petitioner's elder brother Gopinath was married to one Vellamal. The said Velammal eloped with one Chandran. After the death of Gopinath, children of Velammal and Gopinath namely Bhuvaneshwari and Nathiya are taken care by the petitioner and his mother Rathinam. There is a property dispute between the petitioner and Rathinam on one hand and Nathiya and Bhuvaneshwari on the other hand. After the death of Chandran, Velammal joined with Nathiya and Bhuvaneshwari and started giving trouble to the petitioner by claiming right in the property. In this regard, various criminal complaints had been given by the petitioner. Thus, it is obvious that, to settle the dispute, this case has been falsely given by the defacto complainant/2nd respondent against the petitioner. In the said circumstances, he prays for quashment of the proceedings as against the petitioner in Spl.C.C.No.37 of 2022.

3. In response, learned Government Advocate (Crl. Side) submitted that



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the complaint allegations are supported by the statement of the witnesses, especially, the defacto complainant, sister of the victim girl, Jayasuruthi.

4. Considered the rival submissions and perused the records. It is seen from the complaint, FIR and final report that the allegations against the petitioner is that, on 19.01.2022 at about 4.00 PM., petitioner had entered into the house of the defacto complainant, knowing that there was no one at home, and then with an intention to commit sexual assault, he pressed the breast of the victim girl. For which, victim girl raised noise and hearing her noise, her elder sister came to the house. On seeing her, petitioner stated to have pushed the victim girl and ran away from the scene of occurrence. Thereafter, the complaint was given. The respondent police, after registering the FIR, conducted investigation and filed final report for the offence under Sections 451, 323 IPC & Section 7 read with Section 8 of POCSO Act, 2012. The perusal of the materials, statement of the victim girl under Section 164 of Cr.P.C., supports the FIR allegations. The Wound Certificate shows that there was a bleeding from the nose of the victim girl. The Doctor is of the view that the injury sustained by the victim girl is simple in nature. Thus, this Court is of the view



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that there are enough materials for framing charges against the petitioner for the offence committed under the POCSO Act and Indian Penal Code.

5. In this view of the matter, this Court is not inclined to quash the proceedings against the petitioner in Spl.C.C.No.37 of 2022 on the file of Mahil Court at Udhagamandalam. Accordingly, this Criminal Original Petition is dismissed.

08.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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G.CHANDRASEKHARAN,J.

Sma

To

1. Inspector of Police,
AWPS Ooty Town Police Station,
The Nilgiris.
2. The Public Prosecutor,
High Court of Madras.

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