



Crl.O.P.No.16306 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.O.P.No.16306 of 2021

K. Prasanth

... Petitioner

Vs

State, represented by
the Inspector of Police,
Thittakudi Police Station,
Cuddalore District

... Respondent

Prayer: Criminal Original Petition filed under section 482 of Cr.P.C., to call for the records and quash the proceedings in C.C.No.81 of 2019 pending on the file of the learned District Munsif cum Judicial Magistrate Court, Thittakudi.

For Petitioner : Mr. P. Muthamizh Selvakumar

For Respondent : Mr. L. Baskaran,
Govt. Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to call for the records and quash the proceedings in C.C.No.81 of 2019 pending on the file of the learned District Munsif cum Judicial Magistrate Court,



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Thittakudi.

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2. The learned counsel for the petitioner submitted that the petitioner was arrayed as A1 in C.C.No.81 of 2019 pending on the file of the learned District Munsif cum Judicial Magistrate Court, Thittakudi. The respondent police registered a case against the petitioner in Cr.No.31 of 2019 for the offences under sections 3(1), 3(2)(a), 4(1) ITP Act, 1956 on 27.02.2019. After investigation, on filing final report, the case was taken as C.C.No.81 of 2019 before the learned District Munsif cum Judicial Magistrate, Thittagudi. He further submitted that the petitioner is an Engineering Graduate and he is not involved in this case. The brother of the petitioner filed a private complaint against the same Inspector of Police, Thittakudi Police Station, before the District Munsif cum Judicial Magistrate Court, Thittakudi under sections 12(3) and 30 of Human Rights Act. So, in order to wreck vengeance, the respondent police had foisted a false case against the petitioner. Thus, he prayed for quashing the criminal proceedings initiated against him in C.C.No.81 of 2019.

3. The learned Govt. Advocate (crl.side) submitted that the case is pending trial and for examination of witnesses, it was posted on 21.07.2023 and



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summons have been issued to the witnesses.

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4. Heard both sides and perused the materials available on record.

5. On perusal of records, the fact reveals that the petitioner is A1 in C.C.No.81 of 2019 on the file of learned District Munsif cum Judicial Magistrate, Thittakudi. The respondent police arrested the petitioner and one Marudayi on 27.02.2019 @ 17.30 hours while the petitioner was indulging two females in prostitution. Thereafter, a case has been registered against them in Cr.No.31 of 2019 for the offences under sections 3(1), 3(2)(a), 4(1) ITP Act, 1956. After completion of investigation, final report has been filed for the offences under sections 3(1), 3(2)(a), 3(2)(b) and 4(1) of Immoral Traffic (Prevention) Act, 1956. The prosecution relied upon 8 witnesses. LW1-Mohanambal, LW2- Ramya gave statements to the police about the accused involving them in prostitution, LW3-Indhiran and LW4-Gowthaman are cited as eye witnesses, LW5-Head Constable Palanivel is the person present at the time of arrest of the petitioner.

6. I have gone through the statements of the witnesses. All the witnesses



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gave their statements, specifically connecting the petitioner with the offence.

So this court feels that prima facie there is a material to proceed against the petitioner. Further, in the trial court, summons have been issued for examination of witnesses. The contention of the learned counsel for petitioner that there is a motive behind this case, since the petitioner's brother had filed a private complaint against the Inspector of Police, Thittagudi is to be considered before the trial court after appreciating the evidence and such contention cannot be considered here for quashing the criminal proceedings initiated against the petitioner, since this court finds that a prima facie case is made out against the petitioner for proceeding against him for trial. Therefore, before commencement of trial, it is inappropriate to quash the proceedings initiated against the petitioner. Further, it does not meet the parameters laid down by the Honourable Apex Court in the cases of **(i) State of Haryana and others Vs. Bhajanlal reported in AIR 1992 (604) (ii) R.P. Kapoor Vs. State of Punjab reported in AIR 1960 SC 866; (iii) Neeharica Infrastructure Pvt. Limited Vs. State of Maharashtra and others reported in AIR 2021 SC 1918.**

7. The Honourable Supreme Court in the above cases, settled the principle that in exercising its jurisdiction under Section 482 Cr.P.C., the High Court



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would not embark upon an enquiry as to whether the evidence in question is reliable or not, that is the function of the trial Magistrate and ordinarily it would not be open to any party to invoke the High Court's inherent jurisdiction and content that on a reasonable appreciation of the evidence, the accusation made against the accused would be sustained.

8. In view of the foregoing discussions, I find no merits in this criminal original petition. Thus this Criminal Original Petition is dismissed.

17.07.2023

msr
Index;yes/no
Internet;Yes/no

To

The District Munsif cum Judicial Magistrate Court, Thittakudi.



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V. SIVAGNANAM, J.

Msr

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