



Crl.O.P.No.33264 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.33264 of 2019

1.S.Godwin Duraisingh
2.K.Selvamani
3.S.Tamilselvi

... Petitioners / Accused 1 -3

Vs.

1.The State rep by.
Inspector of Police,
All Women Police Station,
Thirumangalam,
Chennai.

2.Divya

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records of the respondent relating to Crime No.4 of 2019 pending on the file of the first respondent and quash the same.

For Petitioners

... Mr.G.Jayakumar for
Mr.G.A.Thiyagarajan

For Respondents

... Mr.A.Gopinath,
Govt. Advocate (Crl.Side) for R1
Mr.S.Sivaprakash for R2



Crl.O.P.No.33264 of 2019

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to Crime No.4 of 2019 pending on the file of the first respondent and quash the same.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent and the learned counsel for the second respondent.

3. The petitioners are the accused 1 to 3. The second respondent / defacto complainant preferred a complaint against the petitioners on the allegations of marital cruelty, sexual harassment and threat. On the said allegations, a case has been registered against the petitioners under Sections 498(A), 354A, 354B & 506(1) of IPC. The first petitioner is the husband of the second respondent / defacto complainant. The second and third petitioners are the parents of the first petitioner. There are certain serious allegations made by the second respondent not only against the first petitioner who is her husband, but also against his parents. There are allegations to the effect that the second petitioner who is the father of the first petitioner, had sexually assaulted the second respondent on several



occasions by outraging her modesty.

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4. The learned counsel for the second respondent submitted that it is a kind of dilatory tactics adopted by the petitioners at each stage of the proceedings and in an earlier occasion also, the first petitioner had filed a Civil Revision Petition challenging the order of maintenance passed in favour of the second respondent and after keeping the said proceedings pending for a longer time, the first petitioner at his pleasure came to withdrew the same.

5. The learned Government Advocate (Crl.Side) submitted that the investigation in this matter has been almost completed and the charge sheet will be filed shortly.

6. When the matter was taken up for hearing on 27.02.2023, the learned counsel for the petitioners submitted that he is going to withdraw the petition, but however sought long adjournment for withdrawal. Even today when the matter was taken up, the learned counsel for the petitioners submitted that he would withdraw the petition if one week time is given. Such representation would only confirm the dilatory tactics said to have



been adopted by the petitioner during various proceedings.

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7. In view of the above said reasons, a detailed order has been passed on 27.02.2023 and the same is extracted hereunder:

“Mr.P.Ponmozhi, the learned representing counsel for the counsel on record for the petitioner submitted that the petitioner intends to withdraw this petition and sought two weeks time to make relevant endorsement.

2. The learned counsel for the second respondent submitted that the petitioner is adopting such dilatory tactics at each and every stage of the proceedings and in view of that the investigation could not be proceeded. He further submitted that the petitioner had withdrawn the Civil Revision Petition which was filed for challenging the order of maintenance passed in favour of the second respondent.

3. Since this petition has been filed as early as in the year 2019 and the representing counsel for the petitioner submitted that it is a case going to be withdrawn, it is unnecessary to grant such a long adjournment.

4. In view of the same, the matter is ordered to be listed under the caption “For orders” on 02.03.2023.”



CrI.O.P.No.33264 of 2019

8. Even on merits, it is seen that the petitioners in their petition itself

had admitted the sexual acts committed by the second petitioner. But the first petitioner had chosen to call those acts as consensual with an active cooperation of the second respondent. So these facts can be proved only if the parties are subjected to a detailed investigation. Since there are sufficient materials available on record to make out the charges for which the petitioners have been charge sheeted, I feel no grounds to interfere by exercising the powers of this Court under Section 482 of Cr.P.C. Since the matter is kept pending for long time, I feel it is appropriate to direct the respondent police to complete the investigation within a period of four weeks.

9. In the result, this Criminal Original Petition is dismissed and first respondent police is directed to complete the investigation in Crime No.4 of 2019, within a period of four weeks from the date of receipt of a copy of this order.

Index: Yes/No
Internet: Yes/No
gsk

02.03.2023



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Crl.O.P.No.33264 of 2019

R.N.MANJULA ,J.

gsk

To

- 1.The Inspector of Police,
All Women Police Station,
Thirumangalam, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.

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02.03.2023