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Crl.O.P.No.27058 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.27058 of 2023

and

Crl.M.P.Nos.18787 & 18789 of 2023

Mohammed Sabeer Ahmed

... Petitioner

Vs.

1.State represented by
The Sub-Inspector of Police,
W24-AWPS Teynampet, Chennai
(Crime No.3 of 2019)

2.T.Priya

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in C.C.No.2013 of 2020 pending on the file of the Metropolitan Magistrate Court No.XVIII, Saidapet, Chennai and quash the same.

For Petitioner : Mr.F.Rahman Sheriff

For Respondents : Mr.Leonard Arul Joseph Selvam for R1
Government Advocate (Criminal Side)



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ORDER

The petition is filed to quash the C.C.No.2013 of 2022 pending on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai.

2. The learned counsel appearing for the Petitioner submitted that inspite of the defacto complainant withdrew her complaint, the investigation was proceeded and final report filed for offences under Section 354A IPC alleging that right from inception, there is a procedural violation adopted by the Respondent police and therefore, the final report has to be quashed.

3. The learned Government Advocate (Criminal Side) on contra submits that the trial in this case has commenced, the victim girl has given a evidence in chief and matter is posted for cross examination of the victim.

4. Since the victim girl has already deposed implicating the Petitioner herein, it is for the Petitioner herein to assail her evidence by way



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of cross examination and by letting in contra evidence. Even if there was any procedural violation in the course of investigation or after completion of investigation or commencement of the trial, those things cannot be taken into consideration to quash the case in which the trial has already commenced.

5. Therefore, this Criminal Original Petition is disposed of with giving liberty to the Petitioner to raise all the points by cross examining the prosecution witnesses and letting in his own evidence. Consequently, connected miscellaneous petitions are closed.

29.11.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

- 1.The Metropolitan Magistrate Court No.XVIII,
Saidapet, Chennai.
- 2.The Sub-Inspector of Police,
W24-AWPS Teynampet, Chennai.

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3. The Public Prosecutor,
High Court, Madras.

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Dr.G.JAYACHANDRAN,J.

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and
Crl.M.P.Nos.18787 & 18789 of 2023

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