



Crl.OP.No.865 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.865 of 2023

and

Crl.M.P.No.429 of 2023

Thanancheyan

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by Inspector of Police,
All Women Police Station Gingee (Crime No.15 of 2017),
Villupuram District.

2.Sindhu Bairavi

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in SC.No.28 of 2019 on the file of the Sessions Judge Mahalir Neethimandram (Fast Track Mahila Court) Villupuram quash the same.

For Petitioner	: Mr.M.Devaraj
For R-1	: Mr.S.Santhosh
	Government Advocate (Crl.Side)



Crl.OP.No.865 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed to call for the records in SC.No.28 of 2019 on the file of the Sessions Judge Mahalir Neethimandram (Fast Track Mahila Court) Villupuram quash the same.

2. Learned counsel for the petitioner and 2nd respondent had compromised the dispute and therefore, he prays for quashment SC.No.28 of 2019, on the file of the Sessions Judge Mahalir Neethimandram (Fast Track Mahila Court) Villupuram, on the ground of compromise.

3. Learned Government Advocate (Criminal side) submitted that, the trial in this case is almost over and the case is now pending for examination of the Investigating Officer.

4. Heard the submissions and perused the records.



Crl.OP.No.865 of 2023

5. It is seen from the First Information Report allegations that 2nd respondent had given a complaint alleging that, she married one Vasanthraj on 08.06.2017. She fell ill on 23.07.2017 and was taken to the hospital. The scan taken in the hospital revealed that, she was pregnant for 8 ½ months. It was also found that she got pregnant even prior to her marriage i.e., 08.06.2017. Her husband and parents-in-law, finding that, she was pregnant before her marriage, left her at her parent house. When the parents enquired about the pregnancy, she informed that the accused Thanancheyan had forceful sexual intercourse with her and as a result, she got pregnant. It is further said that, when they approached the accused Thanancheyan, he said to have told them that, he was already married and has a son and thereafter, he threatened them to leave the matter as it is. In such circumstances, a complaint was given. Based on the complaint, the investigation was conducted and after the completion of investigation, final report was filed against the petitioner for the offences under Sections 294(b), 506(i) of IPC and 4 of POCSO Act, 2012.



Crl.OP.No.865 of 2023

6. As narrated from the First Information Report allegations, there are two things, which requires consideration of the Court.

(i) The marriage between one Vasanthraj and 2nd respondent on 08.06.2017.

(ii) The claim that petitioner was already married and has one year old son.

7. When it is stated in the complaint that 2nd respondent was married to Vasanthraj, and when the petitioner was also already married, it is not known, as to how, the petitioner and 2nd respondent got their marriage registered again. It is required to be considered by the trial Court, on the basis of the oral and documentary evidence. It is now claimed by learned counsel the petitioner that, the allegations made in the complaint that 2nd respondent married one Vasanthraj on 08.06.2017 and that petitioner was already married and has a child, are not true.

8. As said earlier, these are all disputed facts and have to be tried only by the trial Court. In view of the fact that, trial is almost over, this Court is of the



Crl.OP.No.865 of 2023

view that, the prayer for quashment of SC.No.28 of 2019 on the file of the Sessions Judge Mahalir Neethimandram (Fast Track Mahila Court) Villupuram cannot be entertained, for the reason that, trial Court framed charges after finding materials are available for proceeding with the trial and now the trial is almost over.

9. In such view of the matter, this Criminal Original Petition is dismissed with a direction to the trial Court to dispose the case, on the basis of the materials available, without being influenced by any of the observation made by this Court in this Order. Consequently, the connected Miscellaneous Petition is closed.

27.01.2023

gd
Index:Yes/No
Speaking Order: Yes/No



WEB COPY



Crl.OP.No.865 of 2023

G.CHANDRASEKHARAN.J.,

gd

To

- 1.The Sessions Judge Mahalir Neethimandram (Fast Track Mahila Court),
Villupuram.
2. The Inspector of Police,
All Women Police Station Gingee (Crime No.15 of 2017),
Villupuram District.
- 3.The Public Prosecutor,
Madras High Court.

Crl.O.P.No.865 of 2023

27.01.2023

6/6