



Crl.R.C.(MD)No.597 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.12.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)Nos.597 and 598 of 2019

and

Crl.M.P(MD)Nos.7484 and 7469 of 2019

Crl.RC(MD)No.597 of 2019:

Raja

.. Petitioner/Sole Accused

Vs.

State Rep. by,

1. The Inspector of Police,
All Women Police Station,
Lalgudi,
Tiruchirappalli District.
(Crime No.10 of 2018)

.. Respondent/Complainant

2. Devi

.. 2nd Respondent

(R2 impleaded as per order of this Court dated 13.01.2020 in
Crl.M.P(MD)No.10200 of 2019 in Crl.R.C(MD).No.597 of 2019)

Prayer: Criminal Revision Petition has been filed under Section 397

r/w 401 of Cr.P.C., to call for the records and set aside the Order dated

01.08.2019 passed in Cr.M.P.No.2919 of 2019 in Spl.S.C.No.17 of 2019



Crl.R.C.(MD)No.597 of 2019

on the file of the Learned Sessions Judge, Mahalir Neethimandram,
Tiruchirappalli, Tiruchirappalli District.

For Petitioner : Mr.K.Veilmuthu

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1

: Mr.S.Muniyandi for R2

Crl.RC(MD)No.598 of 2019:

Raja Vs. .. Petitioner/Sole Accused

State Rep. by,
1. The Inspector of Police,
All Women Police Station,
Lalgudi,
Tiruchirappalli District.
(Crime No.10 of 2018) .. Respondent/Complainant

2. Devi .. 2nd Respondent

(R2 impleaded as per order of this Court dated 13.01.2020 in
Crl.M.P(MD).No.10081 of 2019 in Crl.R.C(MD).No.598 of 2019
by T.K.J.)

Prayer: Criminal Revision Petition has been filed under Section 397
r/w 401 of Cr.P.C., to call for the records and set aside the Charges dated
01.08.2019 framed against the Petitioner herein in Spl.S.C.No.17 of 2019
on the file of the Learned Sessions Judge, Mahalir Neethimandram,



Crl.R.C.(MD)No.597 of 2019

Tiruchirappalli, Tiruchirappalli District as against the Petitioner herein.

For Petitioner : Mr.K.Veilmuthu

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1

: Mr.S.Muniyandi for R2

ORDER

Since the issue and the accused involved in these two cases are one and the same, these two petitions are taken up together and disposed of by way of this common order.

2. The petitioner is the sole accused in the Spl.S.C.No.17 of 2019 on the file of the learned Sessions Judge, Mahila Court, Trichy. He is facing a serious the allegation in the FIR in Crime No.10 of 2018 on the file of the respondent police that he committed sexual assault upon his own daughter. Hence, the respondent police registered a case and investigated and filed the final report and the same was taken on file in Spl.S.C.No.17 of 2019. After the appearance, he filed discharge petition before the learned trial Judge. In the discharge petition, he stated that the



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investigating agency has not conducted any investigation regarding the injury sustained by him. According to the petitioner, at the instance of the victim, the defacto complainant and another daughter, he was assaulted by the victim. He gave the complaint initially on the same day itself. He also submitted the discharge summary. During the course of the assault, he was specifically attacked by the defacto complainant and hence he sustained grievous injury. In the said circumstances, to preclude the said expected criminal prosecution, the victim girl and the defacto complainant made a false complaint against the petitioner. Hence, in view of the above circumstances, he sought to discharge him. The learned trial Judge dismissed the same. Challenging the same, the petitioner filed the revision petition in Crl.RC(MD)No.597 of 2019 and as against the charges framed in Spl.S.C.No.17 of 2019, he filed the revision petition in Crl.RC(MD)No.598 of 2019 before this Court.

3. When the learned counsel for the petitioner reiterated the said submission before this Court, this Court asked the learned Additional Public Prosecutor to verify the complaint given by the petitioner. The learned Additional Public Prosecutor submitted that the said crime was



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registered and subsequently the same was closed as 'mistake of fact'.

4. In such circumstances, this Court is not inclined to entertain the revision against the dismissal of the discharge petition and the revision against the order of framing charges.

5. Accordingly, this revision petitions are disposed of on the following terms:

5.1. The petitioner is granted liberty to raise or the points raised in the discharge petition and also in the memorandum of grounds during the trial in Spl.C.C.No.17 of 2019.

5.2. The learned Trial Judge is directed to consider the same without getting influenced by the finding in the dismissal order of discharge petition and this order.

Consequently, connected miscellaneous petitions are closed.

13.12.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
PJJ/*sbm*



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WEB COPY

To

1. The Sessions Judge,
Mahalir Neethimandram,
Tiruchirappalli,
Tiruchirappalli District.
2. The Inspector of Police,
All Women Police Station,
Lalgudi,
Tiruchirappalli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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K.K.RAMAKRISHNAN, J.

PJL/sbn

Crl.R.C(MD)Nos.597 and 598 of 2019
and
Crl.M.P(MD)Nos.7484 and 7469 of 2019

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