



Crl.O.P.No.4781 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.4781 of 2022

and

Crl.M.P.No.2522 of 2022

R.Mahalakshmi

... Petitioner

Versus

The State rep. by its
The Inspector of Police,
C-1 Sriperumbudur Police Station,
Kanchipuram Dt.
(Crime No.2611 of 2020)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the charge sheet in S.C.No.14 of 2021 dated 27.01.2021 pending on the file of the learned 2nd Addl. District cum Sessions Judge, Kanchipuram and quash the same in so far as the petitioner/A7 is concerned.



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For Petitioner : Mr.K.Thilageswaran
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in S.C. No. 14 of 2021 on the file of learned 2nd Addl. District and Sessions Judge, Kanchipuram.

2. Heard both sides.

3. The petitioner is ranked as A7 in the F.I.R. in Crime No.2611 of 2020 registered against her for the offence under Sec.399 of I.P.C., 5(b) of Explosive Substances Act, 1908 and 25(1A) of Arms Act, 1959. Subsequently, the charge sheet has been filed and the same was taken on file in P.R.C.No.10 of 2021 and after committal, it is numbered as S.C.No.14 of 2021 on the file of Judicial Magistrate, Sriperumbudur and the same is pending. Now, the petitioner had filed this petition praying to quash the said charge sheet stating that she has been falsely implicated in



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this case by the respondent police, since because she had appeared as a counsel for A1 to A6.

4. The learned Government Advocate (Criminal side) appearing for respondent raised objections stating that as per the investigation, she had illegal intimacy with A1 and as per her instructions, A1 to A6 committed the murder. However, during the pendency of proceedings, A1 was died in an encounter. But, as per the prosecution against this petitioner/A7, other I.P.C. offences are also lodged, in which some of the accused in this case also involved in another case. Furthermore, as per investigation, it reveals that A1 is having illegal intimacy with this petitioner/A7 and since one Mohanraj had propagated their relationship in their area, she planned to murder the said Mohanraj along with A1 and other accused. Hence, the complaint came into force by the respondent police. On instigating the information, the I.O. came to know all these facts and lodged the F.I.R. against this petitioner/A7 and other accused.



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5. By way of reply, the learned counsel for petitioner would submit that mere allegation against this petitioner is not sufficient to prosecute the offence and also there is no material evidence adduced to support the said allegation made by the I.O. Therefore, he prayed to quash the proceedings as there is no material evidence against this petitioner. In support of his contentions, he relied the ratio laid down in the authority held by the Supreme Court of India in ***Crl.Appeal No. 217 of 1959 dated 25.03.1960*** in the case of ***R.P.Kapur vs. The State of Punjab***, wherein the Apex Court held as follows :-

“Criminal – quashing of proceedings – Section 561-A of Criminal Procedure Code, 1898 – appeal against order of High Court that no case had been made out for quashing of proceedings under Sec.561-A – under said Section High Court has inherent power to make such orders as may be necessary to give effect to any order under this Code or prevent abuse of process of court – there is no legal bar to institution of legal proceedings on basis of allegations in first information report



lodged by respondent – also allegations made do constitute offences to continue with proceedings – even on face of delay in filing police report under Sec.173 appellant's prayer to quash proceedings cannot be sustained.”

6. On seeing the entire facts, except this petitioner/A7, all the accused are notorious persons and one of the accused viz., A1 was encountered during the pendency of proceedings. Subsequent to that, there is an another case also lodged against this petitioner and some of the other accused. So, it needs detailed evidence to prove that there is no ingredient to attract the offence as well as there is no material evidence attributed against her and she is only an advocate for A1, more than that there is some relationship as per the submission of learned Government Advocate. Therefore, all these facts can be proved only at the end of trial and not at this stage. Moreover, the ratio relied on by the learned counsel for petitioner laid down in the authority held by the Supreme Court of India in ***Crl.Appeal No. 217 of 1959 dated 25.03.1960*** in the case of ***R.P.Kapur vs. The State of Punjab*** is not applicable to the facts of the



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instant case. Hence, I do not find any irregularity in the charge sheet initiated by the respondent police and this Court is not inclined to quash the proceedings initiated against her. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

19.01.2024

Index: Yes/No

Internet: Yes/No

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To

1. The Inspector of Police,
C-1 Sriperumbudur Police Station,
Kanchipuram Dt.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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