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Crl.O.P.No.10992 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.08.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.10992 of 2024
& Crl.M.P.Nos.7511 & 4301 of 2024

J.Karunakaran.

... Petitioner/Accused

/versus/

The State Represented by its;

1. The Inspector of Police,
All Women Police Station,
Villupuram District.

... Respondent/Complainant

2. V.Neppoliyan

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to F.I.R in Crime No.113 of 2023 dated 28.11.2023 on the file of the 1st respondent and quash the same.

For Petitioner : Ms.K.Akshaya

For R1 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

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ORDER

Relying upon the subsequent statement of the minor witnesses giving clean chit about the character of the petitioner/accused, who is a Teacher, the present petition is filed to quash the final report.

2. The Learned Government Advocate (CrI.Side) for the 1st respondent submits that in the complaint the first set of statements recorded under Section 164 of Cr.P.C., implicate this petitioner for crime against children.

3. The subsequent statement appears to be obtained on Tutoring. In any event, since they are two contradictory statement of the victim, it is appropriate for the trial Court to decide the veracity of the conflicting statement of the witnesses.

4. This Court finds that in case of two conflicting statements by the victim/witnesses, one set of statement should have been obtained by force, coercion or undue influence. Which set of complaint is false under the above category can



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be tested only by the trial Court.

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5. Hence, the petition to quash stands dismissed. The trial Court is directed to take up the trial and complete it as expeditiously as possible, since the reputation of the petitioner as well as the Institute in which the petitioner employed is involved in this case. Consequently, connected Miscellaneous Petitions are closed.

12.08.2024

Index :Yes/No.

Internet :Yes/No.

bsm

Copy to:-

1. The Inspector of Police, All Women Police Station, Villupuram District.
2. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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