



WEB COPY



Crl.O.P.No.9916 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9916 of 2022
and
Crl.M.P.Nos.5853 & 5855 of 2022

V.Shanmugam

... Petitioner

Vs.

1.The State rep. by
Inspector of Police,
Orleanpet Police Station,
Special Officer to investigation the case,
Oulgaret, Puducherry.
Crime No.129 of 2021.

2.V.Gowri

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the C.C.No.196 of 2022 on the file of the Judicial Magistrate No.I, Puducherry and quash the same.

For Petitioner	: M/s.M.Mohammed Riyaz
For R1	: Mr.M.V.Ramachandramurthy Additional Public Prosecutor (Puducherry) Assisted by Mr.M.Thamizhmani
For R2	: Mr.D.Arun



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ORDER

The petitioner has filed this petition to quash the C.C.No.196 of 2022 on the file of the Judicial Magistrate No.I, Puducherry.

2. The case of the prosecution is the petitioner who was the duty officer in the Lawspet Police Station, had hold the hands of the defacto complainant during enquiry and offered sexual favour and made the sexual remarks that the defacto complainant seems to be so beautiful and young and could not able to believe as mother of two children and asked for oil massage to him thereby outraged of the modesty of the women. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted during his service has won several awards for his honesty and sincerity. He further submitted that while conducting enquiry in respect of the family dispute between the defacto complainant and her husband there was some fact reveals that she has illegal intimacy with some police constables. He further submitted that the entire prosecution is driven by



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malafides and the prosecution deserves to be struck down. The impugned prosecution is clearly malicious and is nothing but a sheer abuse of process of law. Hence he prays to quash the C.C.No.196 of 2022, against the petitioner.

4. The learned Additional Public Prosecutor (Puducherry) submitted that based on the complaint lodged by the defacto complainant, FIR has been registered in Crime No.129 of 2021, on the file of the 1st respondent and the case has been taken on file in CC.No.196 of 2022, before the learned Judicial Magistrate No.I, Puducherry.

5. Considering the facts and circumstance, and also the offence committed by the petitioner, this Court is not inclined to quash the proceeding in CC.No.196 of 2022, pending on the file of the Judicial Magistrate No.I, Puducherry. Liberty is granted to the petitioner, to work out the remedy before the trial Court in the manner known to law. However, the petitioner is aged about more than 50 years, therefore the appearance of the petitioner is ordered to be dispensed with before the trial Court and he is directed to appear if his appearance is necessary.



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T.V.THAMILSELVI, J.

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6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

09.02.2024

Index: Yes/ No

Neutral Citation: Yes/No

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To

1.The Inspector of Police,
Orleanpet Police Station,
Special Officer to investigation the case,
Oulgaret, Puducherry.
Crime No.129 of 2021.

2.The Public Prosecutor,
High Court of Madras.

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and

Crl.M.P.Nos.5853 & 5855 of 2022