



Crl.OP.No. 10071 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.10071 of 2022

and

Crl.M.P.No.5946 of 2022

Abdul Malik

... Petitioner

Vs.

1. The State represented by its
Inspector of Police,
W-25, All Women Police Station
T.Nagar, Chennai - 600 017.

2. A.Ramlath
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.732 of 2022, on the file of learned XVII Metropolitan Magistrate Court, Saidapet, Chennai and quash the same as against the petitioner.

For Petitioner	: M/s.Binita S Vaiz for Mr.R.Krishna Kumar
For R1	: Mr. S.Udaya Kumar, Government Advocate (Crl. Side)
For R2	: No appearance



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ORDER

This Criminal Original Petition is filed to quash the charge sheet taken on file in C.C.No.732 of 2022, on the file of the learned XVII Metropolitan Magistrate Court, Saidapet, Chennai.

2. The final report indicates that the petitioner herein was initially facing the Trial for the offence punishable under the POCSO Act for molesting the victim, who is his own daughter and during the trial of the POCSO case, he threatened the witness, namely, his wife not to give any evidence against him. As a result, the case in Crime No.2 of 2021 was registered, which culminated into filing a final report.

3. Learned counsel appearing for the petitioner submits that it is motivated complaint and the question of threatening the witness does not arise at all for the reason that in the POCSO case, the witnesses had already deposed before the Court, pursuant to which, the said case also ended in conviction.



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4. Considering the facts and circumstances of this case and on perusal of the statement of the witnesses, this Court finds that there is a *prima facie* material against the petitioner. There is no merits in the grounds raised by the petitioner to quash and there is no sufficient reason to interfere with the process of trial. Accordingly, this petition is dismissed.

5. It is made clear that the dismissal of the petition shall not stand in the way of the petitioner to raise all the factual and legal pleas available to him before the trial Court.

6. In the result, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

27.06.2024

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Dr.G.JAYACHANDRAN, J.

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To

1.The Inspector of Police,
W-25, All Women Police Station
T.Nagar, Chennai - 600 017.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.10071 of 2022

and

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