



WEB COPY



Cr.OP.No.13745 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.OP.No.13745 of 2024

and

CMP.No.8367 of 2024

Pavithran

... Petitioner

Vs.

1.State Rep by

The Inspector of Police
W17, All Women Police Station,
Peravallur,
Chennai.

2. V. Nathiya

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in SC.No.32 of 2024 on the file of the learned Sessions Judge, Magalir Neethimandram, Allikulam, Chennai and quash the same.

For Petitioner : Mr.M.P.Saravanan

For Respondents : Mr. S. Udaya Kumar for R1
Government Advocate (CrI.Side)



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ORDER

The petitioner and the defacto complainant are members of the police force, who have developed intimacy and indulged in physical relationship. Later, the defacto complainant, who is the second respondent, had given a complaint alleging that the petitioner herein, a married man on promise to marry, had sexual intercourse against her will and cheated her. The case under Sections 417, 376 (2) (h) (n) and 506 (i) of IPC been registered and on completion of investigation, final report filed and the same taken on file by the Mahila Court in SC.No.32 of 2024.

2. Inconsistence of the statement of the victim girl and improbability of the allegation, are the grounds on which the learned counsel for the petitioner herein seeks quash of the case. A Judgment of the Jammu and Kashmir High Court, also been relied upon to buttress the above submission.

3. At the out set, this court want to record that each case has to be deal with the facts and circumstances of that particular case and the



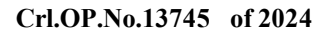
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judgment rendered in one case cannot be a precedent for other cases unless and until the said judgment establishes and declares any principle of law. The SMS messages, other photographs and statements collected during the course of investigation are now been placed before the trial court for consideration. The petitioner is therefore necessarily face the trial and establish the charges framed against him lack proof and substance.

4. Appreciation of statement at pre-trial stage in exercise of power under Section 482 of Cr.P.C., does not warrant in this case. Hence, the petition to quash is dismissed. Consequently, connected miscellaneous petition is closed.

13.06.2024

Index : Yes/No
Speaking/Non speaking Order
Neutral Citation: Yes/No
gv



Gv

1. The Sessions Judge, Magalir Neethimandram,
Allikulam, Chennai
2. The Inspector of Police
W17, All Women Police Station,
Peravallur,
Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

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