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Crl.OP.No.15382of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.15382 of 2024

and

Crl.MP.No.9394 of 2024

S.Mani

... Petitioner

Vs.

1. State represented by
Deputy Superintendent of Police,
Cuddalore, Cuddalore District.

2. The Inspector of Police,
All Women Police Station,
Cuddalore, Cuddalore District.

3. Abirami

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to quash the proceedings in S.C.No.17 of 2022, on the file of the Court of learned Special Judge, Court for SC/ST Act Cases, Cuddalore.

For Petitioner : Mr.P.Tamilavel

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)
for R1 and R2



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ORDER

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The petitioner herein is an accused in SC.No.17 of 2022 on the file of Special Court for SC/ST Act cases, Cuddalore. The petitioner stands charge for the offences under Section 417, 376 and 313 of IPC 3(1)(w)(i) 3(2)(v) of SC/ST (Prevention of Atrocities) Act,1989.

2. The learned counsel appearing for the petitioner submits that Sections 417 and 376 of IPC does not go together and even according to the complaint, it was a consensual sex. The consent was given based on the promise given by the accused to marry the victim.

3. Further, the allegation of having inter course in a lodge at Cuddalore is highly improbable, since there was restriction of movement during the pandemic period.

4. This Court on perusing the statements of witnesses and the final report find that whatever be taken to quash the complaint may be a good defense for the accused in the trial, if he is able to disprove the prosecution case. Being factual matters, which has to be subjected to test



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in the trial, this Court is not inclined to entertain this quash petition.

Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

01.07.2024

Vv

To

1. The Deputy Superintendent of Police,
Cuddalore, Cuddalore District.
2. The Inspector of Police,
All Women Police Station,
Cuddalore, Cuddalore District.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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