



Criminal Original Petition No.21208 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.21208 of 2023

and

Crl.M.P.Nos.14621 & 14622 of 2023

Haripadman
S/o.Padmanabha Pillai

... Petitioner

Vs.

1.State represented by
Inspector of Police,
W-19 All Women Police Station,
Adyar, Chennai.

2.Meera Krishnan
D/o.Late Mr.Anil Kumar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records in C.C.No.2145 of 2023 pending on the file of IX Metropolitan Magistrate, Saidapet and quash the same in the interest of justice.

For Petitioner : Ms.S.Ramya

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side] [R1]



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.2145 of 2023 pending on the file of IX Metropolitan Magistrate, Saidapet.

2. This Court had an opportunity to go through the entire materials. It is seen that the petitioner had been a hard task master with his students and his approach towards students was always in the realm of debate.

3. Learned counsel for petitioner submitted that the complainant at every stage has attempted to improve her version and the complainant had an axe to grind against the petitioner since both of them were not in good terms, particularly, after the incident which ensued in a verbal argument that went on for nearly 45 minutes. The issue as to whether the act of the petitioner bordered around sexual abuse is a matter of fact, which can be established only at the stage of trial. It is now too well settled that a strong suspicion is enough for filing a final report and for framing of charges. The material before this Court does raise a suspicion against the petitioner. Therefore, it is too difficult for this Court to render



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a finding on facts, which requires appreciation of evidence. Therefore, this Court is not inclined to exercise its jurisdiction u/s.482 Cr.P.C.

4. The grounds raised by learned counsel for petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. The facts of this case and grounds raised in the quash petition do not fall within the parameters laid down by the Apex Court in *State of Haryana and others v. Bhajanlal and others [(1992) Suppl (1) SCC 335]*. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.2145 of 2023 within a period of four (4) months from the date of receipt of a copy of this order.



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N.ANAND VENKATESH, J

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The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petitions are closed.

04.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The IX Metropolitan Magistrate, Saidapet.

2.The Inspector of Police,
W-19 All Women Police Station,
Adyar, Chennai.

3.The Public Prosecutor, High Court, Madras.



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