



CrI.O.P.No.24430 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.24430 of 2024

and

CrI.M.P.Nos.13778 and 13779 of 2024

1. Kumar
2. Keerthika

... Petitioners

Vs.

1. The State Rep. by
The Inspector of Police
All Women Police Station
Nannilam, Thiruvarur District
(Crime No.19 of 2022)

2. Sindhu

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records pertaining to the case in S.C.No.74 of 2023 pending on the file of the learned Sessions Judge, Fast Track Mahila Court, Thiruvarur and quash the charges framed against the petitioners on 16.07.2024 as far as the petitioners are concerned.



Cr.O.P.No.24430 of 2024

For Petitioners : Mr.G.Pugazhenth

For 1st Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioners to call for the records pertaining to the case in S.C.No.74 of 2023, pending on the file of the learned Sessions Judge, Fast Track Mahila Court, Thiruv

2. The case of the prosecution is that the petitioners are husband and wife and they are the parents of A1. A1 under the guise of marrying the victim girl, had sexual intercourse with her and thereafter, cheated her. Insofar as the petitioners are concerned, they have abused the victim girl in filthy language and also assaulted her with hands and legs and threatened her with dire consequences. Hence, based on the complaint given by the victim girl, the FIR



CrI.O.P.No.24430 of 2024

in Crime No.19 of 2022 came to be registered against the petitioners and their

son for the offences under Sections 417, 376, 294(b), 352, 506(ii) IPC and after

detailed investigation, the 1st respondent police laid charge sheet before the

learned Judicial Magistrate, Nannilam, and the same was taken on file in

P.R.C.No.3 of 2023. Thereafter, the case was committed to the Special Court

and the learned Sessions Judge/Fast Track Mahila Court, Thiruvarur, taken the

charge sheet on file in S.C.No.74 of 2023 and subsequently, framed charges as

against all the accused persons including the petitioners herein. Insofar as the

petitioners are concerned, they have been charged for the offences under

Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and

Sections 352, 294(b), 506(2) of IPC. Hence, the present petition is filed by the

petitioners to quash the charges frames against them.

3. The learned counsel for the petitioners submitted that a case of consensual affair between the victim and A1 has been given criminal colour.

He further submitted that no offence is made out as against the petitioners



CrI.O.P.No.24430 of 2024

herein and the allegations levelled against the petitioners are bald and vague

and therefore, the charges framed against the petitioners are liable to be quashed.

4. The learned Public Prosecutor appearing for the 1st respondent police submitted that there is prima facie materials to frame charges as against all the accused persons including the petitioners herein. Hence, he prayed for dismissal of this petition.

5. Heard both sides and perused the materials available on record.

6. At the time of framing of charges, the trial Court has to see only the materials produced before it by the police and not the defence taken by the accused.

7. A perusal of the entire materials shows that there was prima facie materials during investigation by the respondent police and therefore, they laid charge sheet as against all the accused persons. The Special Court also, on finding that there is prima facie material to frame charges against the accused



Cr.L.O.P.No.24430 of 2024

persons, has framed the charges as against all the accused persons including the petitioners herein. Under these circumstances, this Court does not find any merits in this case. It is for the petitioners to face the trial and to work out their remedy before the trial Court.

8. Further, it is informed that the Special Court has posted the case on 21.11.2024 for fixing trial. Hence, the petitioners are directed to appear before the trial Court on the said date and the trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

9. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

04.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

5/7



CrI.O.P.No.24430 of 2024

ksa-2

Note: Issue order copy on 12.11.2024

To

1. The Sessions Judge, Fast Track Mahila Court,
Thiruvarur,
2. The Inspector of Police
All Women Police Station
Nannilam, Thiruvarur District
3. The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.24430 of 2024

P.VELMURUGAN. J.

Ksa-2

CrI.O.P.No.24430 of 2024

04.11.2024