



CrI.O.P.(MD)No.15056 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.15056 of 2022

and

CrI.M.P.(MD).Nos.9845 & 9846 of 2022

M.Yogesh

... Petitioner

Vs.

1.The State through
the Inspector of Police,
Uthamapalayam All Women Police Station,
Crime No.8 of 2020,
Theni District.

2.Karthika

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Spl.S.C.No.20 of 2021 on the file of the Fast Track Mahila Court, Theni District for offence under Sections 449, 376(3) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(w) (i) of the SC/ST Act and Sections 5(j)(ii), 5(i), 6(1) of POCSO Act and to quash the same.

For petitioner

: Mr.J.Senthil Kumar

For R-1

: Mr.S.Manikandan,
Government Advocate
(Criminal Side)



ORDER

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This petition has been filed seeking to quash the proceedings in Spl.S.C.No.20 of 2021 on the file of the Fast Track Mahila Court, Theni District, for offence under Sections 449, 376(3) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(w) (i) of the SC/ST Act and Sections 5(j)(ii), 5(i), 6(1) of the POCSO Act.

2. The case of the prosecution is that the petitioner and the second respondent are lovers. It is alleged that the petitioner by giving a false promise to marry the second respondent, had physical relationship with her and she become pregnant. When the second respondent asked to marry her, the petitioner refused by using her caste name. Hence, the second respondent made a complaint before the first respondent Police and the respondent Police registered a case in Crime No.8 of 2020 against the petitioner and after completing investigation, the charge sheet has been filed by the respondent Police before the Fast Track Mahila Court, Theni District and the learned Judicial Magistrate has taken cognizance in Spl.S.C.No.20 of 2021 for the alleged offence punishable under Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(w) (i) of the SC/ST Act and Sections 5(j)(ii), 5(i), 6(1) of the POCSO Act.



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3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner and there is no specific allegation as against the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioner, if he is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth his defence. The petitioner cannot be let by quashing the charges framed against him as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against him. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***



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6. For the reasons aforesaid, this Court finds no ground or scope to quash Spl.S.C.No.20 of 2021 pending on the file of the learned Fast Track Mahila Judge, Theni District. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7. At this juncture, the learned counsel appearing for the petitioner would submit that this Court may consider to dispense with the personal appearance of the petitioner before the court below. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days. Liberty is granted to the petitioner to work out his remedy in the manner known to law.

14.03.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

1. The Fast Track Mahila Court, Theni District.

2. The Inspector of Police,
Uthamapalayam All Women Police Station,
Crime No.8 of 2020,
Theni District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI. J.

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