



Crl.O.P(MD).No.21340 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.21340 of 2022 and
Crl.M.P(MD).Nos.14960 and 14961 of 2022

Senthil

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
All Women Police Station,
Keeranur,
Pudukkottai District.
(Crime No.10 of 2016)

2.Krishnammoorthy

... Respondent

PRAYER:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for records pertaining to the case in Spl.S.C.No.13 of 2017 on the file of the learned Mahila Court, Pudukkottai and quash the same as illegal in so far as the petitioner / accused No.1 is concerned.

For Petitioner : Mr. N. Jothivel

For respondent : Mr. K. Sanjai Gandhi

Government Advocate (Crl. side)



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ORDER

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This Criminal Original Petition has been filed to call for the records pertaining to the case in Spl.S.C.No.13 of 2017 on the file of the learned Mahila Court, Pudukkottai and quash the same as against the petitioner / accused No.1 is concerned.

2. The case of the prosecution is that the petitioner herein has committed rape on the defacto complainant's daughter, who is aged about 15 years and she became pregnant. Based on the complaint given by the defacto complainant, case has been registered in Crime No.10 of 20216 for the offences under Sections 363, 506(i) IPC and Section 9 and 11 of Prohibition of Child Marriage Act, 2006, 5(j) (ii) and 6 of the Prohibition of Child from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act against the petitioner. Thereafter, the case has been charge sheeted in Spl.S.C.No.13 of 2017 on the file of the Mahila Court, Pudukkottai.

3. The learned counsel appearing for petitioner submitted that during the investigation DNA test was not conducted by the Investigating Officer and the proper witnesses were also not examined



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and hence, prays for allowing this petition.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that DNA test was conducted and the prosecution side evidence was closed and now, the case is posted for questioning under Section 313 Cr.P.C., and prays for dismissal of this petition.

5. Considering the submission made by the learned Government Advocate (Crl. Side) and that the prosecution side evidence was closed, this Court is not inclined to allow this Criminal Original Petition at this stage.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

29.04.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp



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To

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1. The learned Mahila Court, Pudukkottai.
2. The Inspector of Police,
All Women Police Station,
Keeranur,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

Trp

**CrI.O.P(MD).No.21340 of 2022 and
CrI.M.P(MD).Nos.14960 and 14961 of 2022**

29.04.2024