



Crl.O.P.(MD)No.10774 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.10774 of 2024

and

Crl.M.P(MD) No.7176 and 7177 of 2024

Samuvel Thangappan

.. Petitioner

Vs.

1. The Inspector of Police
All Women Police Station
Samayanallur, Madurai

2. Greeda Cinthiya Rani

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pursuant to the proceedings in S.C.No.162 of 2022 on the file of the District and Sessions Court (Mahalir Neethi Mandram) Madurai and quash the same.

For Petitioner : Mr.Lakshmi Gopinath
for M/s. Polax Legal Solutions

For Respondents : Mr.M.Vaikkam Karunanithi
No.1 Government Advocate(Crl.Side)

No.2 : Mrs.Maria Vinola



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in S.C.No.162 of 2022 on the file of the District and Sessions Court (Mahalir Neethi Mandram) Madurai.

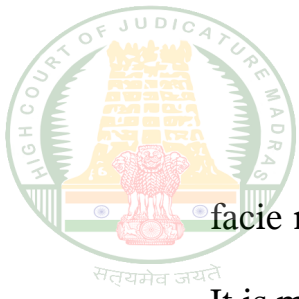
2. The case of the prosecution is that the first accused promised to marry the victim and thereafter also assured to promote the victim as Priest in the Church and had sexual intercourse with her. Whiles, when the defacto complainant asked the first accused to promote her as priest in the Church the first accused threatened the defacto complainant and also cheated the defato complainant and thereafter he was absconding. While so, on 12.12.2020 when the defacto complainant went to the Jesus Calls at Madurai the accused persons were also present there. At that time when the defacto complainant tried to speak about the acts of the accused the third accused along with other accused assaulted the victim and pulled her hand, therefore a case has been registered against the petitioner and others in Crime No. 1 of 2021 for the offences under Sections 376, 417, 323, 506(1) of IPC and Section 4 of TNPHW Act. Thereafter the first respondent filed final report and the same was under challenge by the petitioner/first accused before this Court.



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3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint against the petitioner and others before the first respondent and the first respondent registered a case in Crime No. 1 of 2021 for the offences under Sections 376, 417, 323, 506(1) of IPC and Section 4 of TNPHW Act. Infact the complaint averments do not constitute the offence as against the petitioner herein. The entire reading of the First Information Report reveals that there is no specific allegations as against the petitioner and it is a counter blast for the complaint given by the petitioner against the defacto complainant. Even as per the charge sheet it does not disclose any prima facie materials to constitute the offence as against the petitioner and the trial Court also without any *prima facie* materials had taken cognizance and the case is pending trial, therefore the above proceedings are liable to be quashed.

4. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint lodged by the second respondent the first respondent registered a case in Crime No. 1 of 2021 for the offences under Sections 376, 417, 323, 506(1) of IPC and Section 4 of TNPHW Act and thereafter they conducted elaborate investigation and filed final report. As per the final report there are prima



facie materials available as against the petitioner to constitute the offence.

It is matter for trial and hence the petition is liable to be dismissed.

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5. The learned counsel appearing for the second respondent would submit that the petitioner cheated the second respondent and committed rape on her by giving false promise to marry her and also criminally intimated her in the public place, thereby she lodged complaint before the first respondent and they registered a case. Thereafter they filed final report and as per the final report there are prima facie materials available and the trial Court has also taken cognizance, therefore the petitioner has to face the trial and hence the petition has to be dismissed.

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

7. According to the petitioner based on the complaint lodged by the second respondent the first respondent registered a case in Crime No. 1 of 2021 for the offences under Sections 376, 417, 323, 506(1) of IPC and Section 4 of TNPHW Act and thereafter they conducted elaborate investigation and filed final report and the trial Court also after satisfying that the prima facie materials available had taken cognizance. According



to the respondents there are serious allegations against the petitioner and others and already the first respondent conducted detailed investigation and filed final report.

8. This Court perused the records and on perusal of the same it is seen that there are *prima facie* materials available to constitute the offence as against the petitioner and the first respondent also collected materials and filed final report and as per the final report there are serious allegations as against the petitioner. As per the statements recorded by the investigation officer and materials collected by him, during investigation there are *prima facie* materials to constitute the offence as against the petitioner. The veracity of the statements recorded and the materials collected by the first respondent during investigation cannot be tested at this stage. Since *prima facie* materials are available to proceed with the case against the petitioner he has to face the trial and there is no merits in the petition and it is liable to be dismissed. What are all the grounds raised in this petition can be taken as defence before the trial Court during trial .



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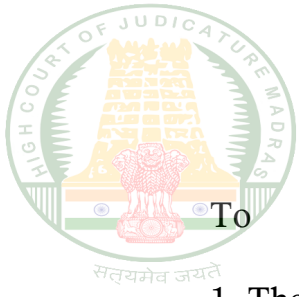
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8. At this juncture the learned counsel appearing for the petitioner submitted that personal appearance of the petitioner before the trial Court may be dispensed with.

9. Considering the nature of the case and also the facts and circumstances of the case it is appropriate to accept the request of the petitioner. Accordingly the personal appearance of the petitioner before the trial Court is dispensed with and the trial Court is at liberty to take appropriate steps for the appearance of the accused as and when required for further proceedings of this case. Further the trial Court is also directed to dispose the case as early as possible without giving long adjournment beyond 15 days. Consequently connected miscellaneous petition in CrI.M.P(MD) No.7176 of 2024 stand closed and CrI.M.P(MD) No.7177 of 2024 stands allowed.

07.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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1. The District and Sessions Court (Mahalir Neethi Mandram) Madurai.
2. The Inspector of Police
All Women Police Station
Samayanallur, Madurai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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