



**Crl.O.P(MD)No.2595 of 2021**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 13.04.2023

CORAM:

**THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**Crl.O.P(MD)No.2595 of 2021**

**and**

**Crl.M.P(MD)No.1359 of 2021**

1.Senthil Rathinam .. Petitioner/Accused No.1

2.Nainar .. Petitioner/Accused No.2

3.Selvi .. Petitioner/Accused No.3

4.Kamalam .. Petitioner/Accused No.4

Vs.

The State represented by,  
1.The Inspector of Police,  
Palayamkottai Police Station,  
Tirunelveli District.  
(Crime.No.60/2021)

.. 1<sup>st</sup> Respondent/Complainant

2.Soorya Prakash

.. 2<sup>nd</sup> Respondent/Defacto Complainant



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**PRAYER:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceeding of the FIR in Crime No.60 of 2021 dated 20.01.2021 on the file of 1<sup>st</sup> Respondent Police as against these petitioners.

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 : Mr.M.Muthumanikkam  
Government Advocate (Criminal side)

For R2 : I.Ilayaraja

### **ORDER**

The petitioners/Accused Nos.1 to 4, have filed this petition to quash the FIR in Crime No.60 of 2021 dated 20.01.2021 on the file of the first respondent police, wherein they are said to have committed the offence under Sections 147, 323, 352, 379(NH) and 427 IPC.

2. The case of the prosecution is that the marriage between the 4<sup>th</sup> petitioner and the 2<sup>nd</sup> respondent was solemnized on 07.02.2016. Out of



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the wedlock, they have got a son named, Abinesh, aged 4 years. The first petitioner is the brother of the 4<sup>th</sup> petitioner and the petitioners 2 and 3 are the parents of the 4<sup>th</sup> petitioner. Due to some difference of opinion, the 4<sup>th</sup> petitioner/wife and the 2<sup>nd</sup> respondent/husband are living separately from March 2020. Subsequently, the second respondent/husband asked the 4<sup>th</sup> petitioner/wife to live along with him. But she refused to go along with him. Hence, the 2<sup>nd</sup> respondent gave a complaint on 23.11.2020 before the City Commissioner of Police, Tirunelveli. Subsequently, the All Women Police, Samathanapuram, called them for enquiry on 28.11.2020 for enquiry and the 2<sup>nd</sup> respondent/husband attended the inquiry on that day. When the police called the 4<sup>th</sup> petitioner/wife, she refused to attend the enquiry. Hence, on 09.12.2020, they again called both the parties to the police station for negotiation. When the defacto complainant/husband and his family members went to the police station at 10:15 a.m, the petitioner and the accused persons attacked them with weapons and caused injuries to the defacto complainant/2<sup>nd</sup> respondent, his father and uncle. It is further alleged that the accused persons have damaged the spectacles of the second respondent and broken his cell phone and helmet also. Hence



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the complaint.

3. When the matter is taken up for hearing, the learned Government Advocate (Criminal side) submitted that after completion of investigation, final report has been filed before the learned Judicial Magistrate No.1, Tirunelveli and the same was taken on file as C.C.No.561 of 2023.

4. Recording the said submission made by the learned Government Advocate (Criminal side), this Criminal Original Petition stands closed with liberty to the petitioners to work out their remedy in the manner to law. Consequently, connected miscellaneous petition is closed.

**13.04.2023**

NCC : Yes/No  
Internet: Yes/No  
Index : Yes/No  
PJL



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To

1.The Inspector of Police,  
Palayamkottai Police Station,  
Tirunelveli District.

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



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**K.K.RAMAKRISHNAN,J.**

PJL

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