

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

CrI.O.P.No.2506 of 2015
and
M.P.Nos.1 and 2 of 2015

1. V.Anandhan

2. Sarasu @ SalammalPetitioners/Accused 5 & 6

vs.

1. The State, rep. by
Inspector of Police,
All Women Police Station,
Thirupathur, Vellore District. ... Respondent/Complainant.

2. E.Ravichandran ... Defacto Complainant/Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for entire records pertaining to the case in C.C.No.23 of 2014, on the file of the Judicial Magistrate No.II, Thirupathur., Vellore District, and to quash the same.

For Petitioners : Mr.M.Sathish Kumar

For Respondent-1 : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This Petition is filed to quash the chargesheet filed against the petitioners, who are arrayed as accused No.5 and 6 respectively in C.C.No.23 of 2014, on the file of the Judicial Magistrate No.II, Thirupathur, Vellore District.

2. It is submitted by the learned counsel appearing for petitioners that, in the First Information Register and in the statement given during investigation, it was only stated that the first petitioner/A5 informed A1 to murder the de facto complainant, and he would take care of the case, except the said allegation, no allegations were made against the first petitioner. The learned counsel also submitted that the District Welfare Officer, who conducted enquiry, did not give any report against the petitioners and during enquiry, the de facto complainant did not state any

allegation against the petitioners. However, chargesheet was filed against the petitioners, as if, they committed offence under Section 498 (A) IPC and therefore, the chargesheet filed against the petitioners is liable to be quashed.

3. I am unable to accept the contentions of the learned counsel appearing for petitioners.

4. In the complaint as well as in the statement given during investigation, the de facto complainant clearly stated that the first petitioner-V.Anandhan instigated the defacto complainant's husband to kill her, and she has also stated that he would take care of the case. Similarly, the second petitioner/A6 demanded Rs.5,00,000/- from the de facto complainant and abused her in filthy language and assaulted her. On the basis of the statement of de facto complainant, which was corroborated by her father, case was registered against the petitioners and others. Though in the report submitted by the District Welfare Officer, nothing has been stated against the petitioners, that cannot be taken into consideration for quashing the chargesheet filed against the petitioners. Therefore, I do not find any merit in the Criminal Original Petition, and hence, it is dismissed. Consequently, connected M.Ps. are closed.

sd

-s/d-

Assistant Registrar()

Dt:13/2/2015

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.II,
Thirupathur, Vellore District.

2. Inspector of Police,
All Women Police Station,
Thirupathur, Vellore District.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.Sathish Kumar, Advocate SR 6061

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Cr1.O.P.No.2506 of 2015