

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06..10..2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.22689 of 2016

and CrI.M.P.Nos.10566 and 10567 of 2016

R.Palanivel

... Petitioner

-Versus-

1.State Rep. by
The Sub Inspector of Police,
Kandachipuram Police Station,
Villupuram District.

2.Thiru.V.Dhanuskodi

... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C. praying to call for the records relating to the case in C.C.No.396 of 2016 on the file of the learned Judicial Magistrate, Tirukoilur, Villupuram District and to quash the said case.

For Petitioner : Mr.K.Vasudevan

For Respondent (s) : Mr.C.Emalias, APP for
R1

ORDER

This petition has been filed seeking to quash the case in C.C.No.396 of 2016 pending on the file of the learned Judicial Magistrate, Tirukoilur, Villupuram District.

2. On the complaint lodged by the 2nd respondent, the 1st respondent police registered a case in Crime No.158 of 2016 and after completing the investigation filed a final report in C.C.No.396 of 2016 before the learned Judicial Magistrate, Tirukoilur, Villupuram District for offences under Sections 294 (b), 341, 352, 506(ii) of IPC r/w Section 4 of Women Harassment Act against the petitioner challenging which he is before this court with this original petition.

3. It is the case of the prosecution that Mahalakshmi is the wife of the 2nd respondent Danuskodi and that at some point of time in the past, the petitioner was having some relationship with her and had been teasing her. While so, on 07.08.2016, around 07.00 p.m. it is specifically alleged by the de facto complainant that when he was going with his wife Mrs.Mahalakshmi, the petitioner intercepted them and not only abused him but also assaulted his wife and wanted her to join him.

4. The learned counsel for the petitioner submitted that on an earlier occasion upon a complaint given Mahalakshmi herself, a case was registered and the petitioner faced the prosecution and he was acquitted in the said case.

5. This court perused the judgement relating to the earlier occurrence as well as the allegations in the present final report. From a reading of the records it is seen that there was some relationship between the petitioner and Mahalakshmi but on the intervention of elders and others, Mahalakshmi started living with her husband [the 2nd respondent herein] which is not to the liking of the petitioner. Therefore, the petitioner has been consistently harassing Mahalakshmi to abandon all her relationship with her husband and to join him. It is alleged that under such circumstances, the petitioner has misbehaved with Mahalakshmi on 07.08.2016.

6. In the considered opinion of this court, when there are *prima facie* materials in the final report against the petitioner to proceed further, the same cannot be quashed by invoking the inherent jurisdiction of this court under Section 482 of Cr.P.C.

7. **In the result**, this criminal original petition is dismissed, however, with a liberty to the petitioner to raise all the points before the trial court. Consequently, connected MPs are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk

1.The Judicial Magistrate, Tirukoilur,
Villupuram District.

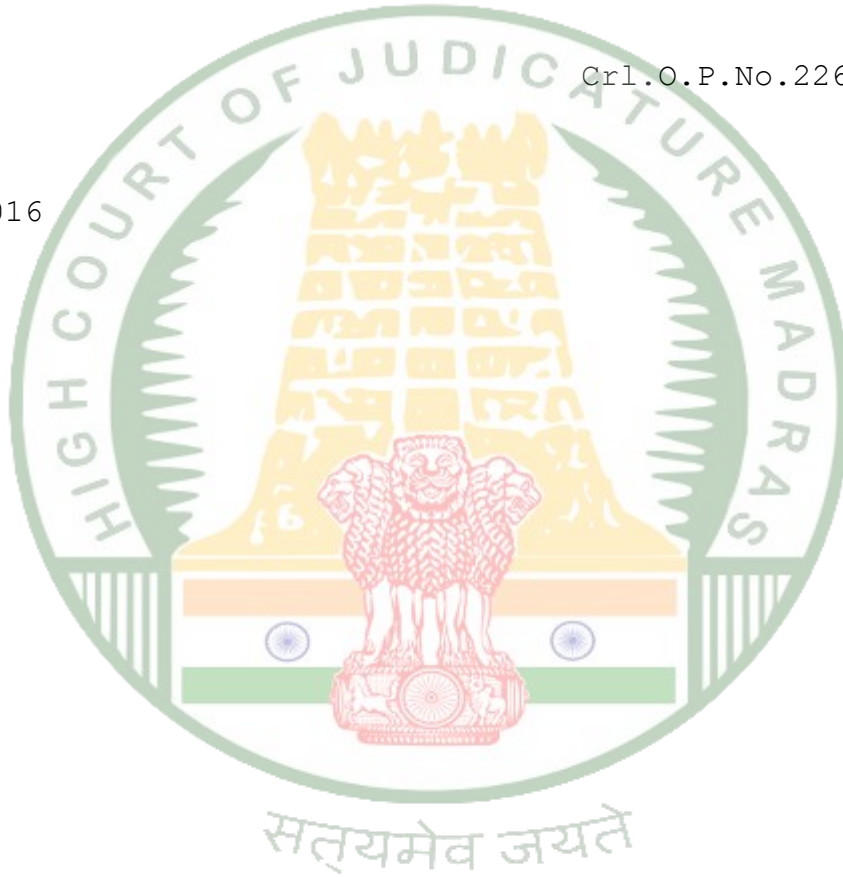
2.Do Thro Chief Judicial Magistrate
Villupuram District

3.The Sub Inspector of Police,
Kandachipuram Police Station,
Villupuram District.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.22689 of 2016

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