

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

C O R A M

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.O.P.No.23878 of 2012
and
M.P.Nos.1 and 2 of 2012

1. M.Mahendran,
S/o.K.K.Mani Ambalam
2. R.Murugan,
S/o.Rajendran ... Petitioners/Accused 2 & 3

-Vs-

1. The Inspector of Police,
S.11, Tambaram Police Station,
In Crime No.1244/2009,
Chennai. ... 1st Respondent/Complainant
2. K.Vadivammal,
W/o.Kalaiselvan. ... 2nd Respondent/Defacto
Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for records relating to the charge sheet in C.C.No.367/2011 on the file of the Judicial Magistrate, Tambaram and quash the same.

For Petitioners : Mr.M.Subash Babu

For Respondents : Mr.M.Mohammed Riyaz,
Government Advocate(Crl.Side)
for R1
No Appearance for R2

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ORDER

Petitioners seek quash of proceedings in C.C.No.367 of 2011 on the file of the Judicial Magistrate, Tambaram.

2. Petitioners herein are the second and third accused. Pursuant to registration of case in Crime No.1244 of 2009, on the file of first respondent for offences under Sections 342, 323, 506(i) and 4 of the Tamil Nadu Protection of Women from

Harassment Act, a charge sheet has been filed informing commission of such offences and the same is pending trial in C.C.No.367 of 2011.

3. Heard learned counsel for petitioners and learned Government Advocate (Crl.Side) for first respondent and also perused the counter affidavit.

4. The occurrence complained of is of the date 24.12.2009. The second respondent complainant has informed of having been forced into a relationship with first accused over a period of six months. The complaint has informed that on 24.12.2009 at about 21.00 hrs, the first accused repeatedly beat her and caused injury, while travelling in a car. A reading of the entire materials in the case, informs no more than that these petitioners were also in such car, when the occurrence took place. The mere presence of the petitioners in the car, during the time of alleged offensive, acts of the first accused, cannot render the petitioners liable for prosecution.

5. This petition shall stand allowed and the proceedings in C.C.No.367 of 2011 on the file of the Judicial Magistrate, Tambaram shall stand quashed in respect of petitioners. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsm

The Judicial Magistrate,
Tambaram.

+1cc to Mr.Suresh Babu, Advocate, S.R.No.25754\

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MG(CO)
CA(05/06/2017)

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