



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.OP.(MD) No.15482 of 2017

and

CRL.M.P.(MD) Nos.10293 and 10294 of 2017

V.Annanchi Ammal

... Petitioner/Accused No.3

Vs.

1.The State represented by
The Inspector of Police,
Thattaparai Police Station,
Tuticorin.
(in Crime No.167 of 2015)

... Respondent / Complainant

2.E.Parvathy

... Respondent / De-facto Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.101 of 2016 on the file of the learned Judicial Magistrate No.1, Tuticorin and quash the same as against the petitioner.

For Petitioner

: Mr.KA.Raamakrishnan

For R1

: Mr.A.Ramar,

Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed to call for the records in C.C.No.101 of 2016 on the file of the learned Judicial Magistrate No.1, Tuticorin and quash the same as against the petitioner.

2.The second respondent lodged a complaint, as against the petitioner and some others, which was registered in Crime No.167 of 2015 for the offences punishable under Sections 294(b), 323 325, 354 and 506(ii) IPC. The petitioner is the third accused in the First Information Report. After investigation, charge sheet was filed before the learned Judicial Magistrate No.1, Tuticorin and the case is now pending before the learned Judicial Magistrate No.1, Tuticorin in C.C.No.101 of 2016.

3.The learned Counsel for the petitioner stated that it is a case of case and counter, as the petitioner has earlier preferred a complaint as against the de-facto complainant in the present case, which was registered in Crime No.168 of 2015 for the offences punishable under Sections 294(b) and 323 IPC. The learned Counsel for the petitioner further stated when a case of case and counter



case are registered simultaneously, the course open to the respondent police is to enquire into both the complaints and to frame charges against accused who are aggressors or refer both cases, if he finds them as untrue. The third option for the Investigation Officer is to seek opinion of Public Prosecutor, in case of any difficulty in following either options.

4.The learned Additional Public Prosecutor has reported that the complaint preferred by the petitioner's side as against the de-facto complaint was enquired into and closed as mistake of fact. It is in these circumstances, this Court does not find any justification for holding that the complaint has not been dealt with properly by referring both the matters as directed by this Court in several cases. Since the complaint lodged against the de-facto complainant was closed, it can be inferred that the petitioner and his associates alone are aggressors and that the direction of this Court in various judgments, have been scrupulously followed by the respondent in this case. Therefore, the only ground raised by the learned Counsel for the petitioner has no merits.

5.There are other ground raised by the learned Counsel for the petitioner challenging the factual contentions in the complaint. The learned Counsel for the petitioner has vehemently argued that the complaint is unsustainable in law and that the case has been foisted against the petitioner, without even considering the factual mistakes and omissions in the complaint. This argument cannot be entertained at this stage, where the petition is filed to quash the charge sheet. This Court find no merits in any other contentions. Hence, this Criminal Original Petition is dismissed. It is open to the petitioner to raise all her arguments before the Trial Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.1,
Tuticorin.

2.The Inspector of Police,
Thattaparai Police Station,
Tuticorin.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1cc to M/s.Ka.RAMAKRISHNAN Advocate in SR. No. 87313

CMR

<https://hcservices.ecourts.gov.in/hcservices/>

JS/MR:RRR/SAR.4/7.12.2017/2P-5C

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