

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

DATED : 20.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**CRL.OP.(MD)No.9345 of 2017****and****Crl.M.P(MD)Nos.6344 and 6345 of 2017**

K.Bose

...Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(In Crime No.239 of 2015).

...Respondent/complainant

2.Mrs.Petchiammal

...Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying this Court to call for the records pertaining to the charge sheet in P.R.C.No.5 of 2017, on the file of Judicial Magistrate Court No.I, Usilampatti, Madurai District in Crime No.239 of 2016, dated 13.09.2016 under Sections 294(b), 352, 447, 506(i) of IPC and Section 3(1) of TNPPDL Act, 1984 and Section 4 of Prohibition of Harassment of Woman Act, 2002 on the file of the first respondent Police and to quash the same as illegal.

For Petitioner : Mr.T.Thirumurugan
for M/s.T.Lajapathi Roy
For Respondent-1 : Mr.K.Anbarasan
Govt.Advocate(Crl.Side)

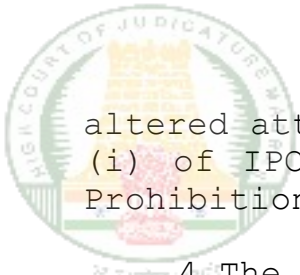
ORDER

This Criminal Original Petition is filed to quash the charge-sheet in P.R.C.No.5 of 2017, on the file of Judicial Magistrate Court No.I, Usilampatti, Madurai District in Crime No.239 of 2016, dated 13.09.2016 under Sections 294(b), 352, 447, 506(i) of IPC and Section 3(1) of TNPPDL Act, 1984 and Section 4 of Prohibition of Harassment of Woman Act, 2002.

2.Heard the submissions of Mr.T.Thirumurugan, learned counsel for the Petitioner and Mr.K.Anbarasan, learned Government Advocate (Crl.Side) appearing for the first respondent/State and perused the materials placed before this Court.

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

3.After enquiry, charge-sheet was filed and the offences are



altered attracting the offence under Sections 294(b), 352, 447, 506 (i) of IPC and Section 3(1) of TNPPDL Act, 1984 and Section 4 of Prohibition of Harassment of Woman Act, 2002.

4. The main contention of the learned counsel for the Petitioner in this case is that the de-facto complaint in her statement under Section 161(3) of Cr.P.C has admitted that she has given the complaint by exaggerating the incident by stating that she was beaten up by an iron rod. In view of the statement, the same was also pointed out in the charge-sheet and therefore the statement of the de-facto complainant with regard to the other allegations attracting other provisions of the Act are intact. Hence the statement which was given to the Police after investigation has also been acted upon by the first respondent Police.

5. The next submission of the learned counsel for the Petitioner is that because of the dispute between the petitioner and the de-facto complainant before the Civil Court in O.S.No.317 of 2012 pending on the file of III Additional Sub-Court, Usilampatti, false complaint has been lodged.

6. Having regard to the specific charges, the contention of the learned counsel for the Petitioner that this case is attracted by the judgement in **Bhajanlal case (1992 Supp (1) SCC 335)** cannot be accepted. Having regard to the position that the petitioner's case is purely on factual aspects, this Court finds no reason to quash the criminal case.

7. In view of the above, the Criminal Original petition is dismissed. Consequently, connected Miscellaneous Petitions are dismissed. The learned counsel for the Petitioner requested this Court to dispense with the personal appearance of the petitioner before the Court below. Considering the nature of allegations levelled against the Petitioner and the pendency of the civil suit, this Court is inclined to dispense with the personal appearance of the Petitioner and accordingly, the personal appearance of the petitioner is dispensed with unless and until the presence of the Petitioner is specifically required by the Court below.

Sd/-

Assistant Registrar(AD-II)

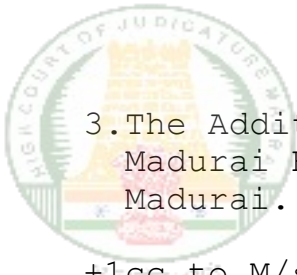
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Sub Assistant Registrar

To

1. The Judicial Magistrate Court No.I,
Usilampatti,
Madurai District.

2. The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.



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

+1cc to M/s.T.Lajapathi Roy Advocate in SR. No.67258

VSN

JS/SV/SAR.2/28.7.2017/3P-5C

ORDER MADE IN
CRL.OP.(MD)No.9345 of 2017
and
CrI.M.P(MD)Nos.6344 and 6345 of 2017
20.07.2017