

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI.O.P.No.5940 of 2018
and
CrI.M.P.Nos. 2989 & 2990 of 2018

1. Gopal
2. Palani Ammal
3. Ramesh
4. Sankar
5. Ravi ... Petitioners/Accused

Vs

1. State Rep. by
The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.
2. R.Roja ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the charge sheet in C.C.No.33 of 2014 on the file of learned District Munsif cum Judicial Magistrate Court, Pappireddipatty in Crime No.325 of 2013 on the file of the respondent and quash the same.

For Petitioners: Mr.S.Kumaradevan

For R1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records relating to the charge sheet in C.C.No.33 of 2014 on the file of District Munsif cum Judicial Magistrate Court, Pappireddipatty, in connection with Crime No.325 of 2013 on the file of the 1st respondent police and to quash the same.

2. On the complaint lodged by the 2nd respondent, the 1st respondent police have registered a case in Crime No.325 of 2013 and after completion of the investigation, have filed a charge sheet in C.C.No.33 of 2014 before the District Munsif cum Judicial Magistrate Court, Pappireddipatty, for the offences under Sections 147, 294(b), 323 and 506(i) IPC r/w.

Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, against the petitioners herein, for quashing which, the petitioners/accused are before this Court.

3. Heard the learned counsel for the petitioners/accused and the learned Additional Public Prosecutor, appearing for the 1st respondent police.

4. The learned counsel for the petitioners/accused submitted that a false case has been foisted against the petitioners/accused and no such incident as alleged in the charge sheet has taken place. He also submitted that on the complaint given by Gopal, the 1st petitioner herein, a counter case has been registered in Crime No.324 of 2013, for the offences under Sections 341, 294(b) and 506(ii) IPC, against the 2nd respondent herein. Therefore, he submitted that the present prosecution is an abuse of process of law.

5. Per contra, the learned Additional Public Prosecutor refuted the contentions.

6. This Court gave its anxious consideration to the rival submissions.

7. On a reading of the charge sheet in C.C.No.33 of 2014, it is alleged by the de facto complainant that, on account of previous enmity, the petitioners/accused abused her and held her by hair and assaulted her. The version of the de facto complainant is corroborated by the statement of one Pachaiyappan, an independent witness in the village. Thus, when there are prima facie materials in the final report, the same cannot be quashed at the threshold.

Hence, this Criminal Original Petition is closed with the liberty to the petitioners/accused to raise all the points before the trial Court, after charges are framed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mkn/ssr

To

1. The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.

2. The District Munsif cum Judicial Magistrate,
Pappireddipatty.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.KumaraDevan, Advocate SR.NO.69988

sm:24.10.2018

Cr1.O.P.No.5940 of 2018



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