

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2018

CORAM :

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.21524 of 2018 and
Crl.M.P.Nos.11771 & 11772 of 2018

Deepa ... Petitioner

Vs

1. The Sub-Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.

2. Suresh ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records and quash the charge sheet in
STC No.102 of 2018 on the file of District Munsif cum Judicial
Magistrate Court, Kattumannarkoil, Cuddalore District.

For Petitioner :Mr.K.Raja

For R1 :Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records and
quash the charge sheet dated 22.12.2017 in STC No.102 of 2018,
on the file of District Munsif-cum-Judicial Magistrate Court,
Kattumannarkoil, Cuddalore District.

2. On the complaint lodged by the 2nd respondent, the 1st
respondent police have registered a case in Crime No.588 of 2017
on 21.12.2017 and after completing the investigation, filed the
charge sheet in STC No.102 of 2018 before the District Munsif-
cum-Judicial Magistrate Court, Kattumannarkoil, Cuddalore
District, against the petitioner, for offences under Sections
294(b), 352 and 506(1) IPC, for quashing which, the petitioner
is before this Court.

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

4. On a reading of the charge sheet, it is seen that the petitioner got married to the 2nd respondent in November 2017; the petitioner was asking the 2nd respondent to transfer certain property to her, to which, the 2nd respondent was not willing; on 21.12.2017, when the 2nd respondent went to the office of the Tahsildar, to see his aunt, it is alleged that the petitioner came there and abused the 2nd respondent, held him by his hair and assaulted him, in the public.

5. The learned counsel for the petitioner submitted that the entire case is a false case and no such incident had taken place. He further contended that all the witnesses are the officials of the Revenue Department and also the colleagues of the 2nd respondent's aunt. He further contended that the 2nd respondent and the petitioner were divorcees and it was the second marriage for them.

6. Per Contra, the learned Additional Public Prosecutor refuted the contentions.

7. In the opinion of this Court, disputed questions of fact cannot be gone into, in a quash application. The fact remains that there are five witnesses who have stated that the petitioner had abused the 2nd respondent, held by him by his hair and assaulted him. Since the occurrence had taken place in the office of the Tahsildar, naturally, the police can examine only the officials working in the said office. On that score alone, one cannot say that it is a false case.

8. The learned counsel for the petitioner also contented that the FIR in Crime No.588 of 2017 was registered on 21.12.2017 and the charge sheet was filed on the very next day, viz. 22.12.2017 and therefore, the prosecution should be quashed.

9. In a case of abuse and assault, except recording the statement of the eye witnesses, nothing more is required. In fact, law expects the Investigating Officer to complete the investigation within 24 hours, as contemplated under Section 167 Cr.P.C. The charge sheet cannot be declared as illegal, just for the reason that it has been filed on 22.12.2017.

10. Hence, this petition is dismissed with liberty to the petitioner to raise all the points before the trial Court, after the charges are framed during trial. Consequently, connected Miscellaneous Petitions are closed.

11. However, this Court directs the trial Court to refer the 2nd respondent/de facto complainant and the petitioner/accused to the local Mediation Centre, so that, if they arrive at a settlement, the prosecution can be quashed, based on that.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr/mkn

To

1. The Sub-Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
2. The District Munsif-cum-Judicial Magistrate,
Kattumannarkoil,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

+lcc to M/S.K.Raja, Advocate Sr.61225

CrI.O.P.No.21524 of 2018

srg 24/09/2018

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