



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.3670 of 2018

and

Crl.M.P(MD).Nos.1756 & 1757 of 2018

WEB COPY

Maheswari

... Petitioner/Sole Accused

-Vs-

1. The State represented by
The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
(Cr.No.374/2016)

... 1st Respondent/ Complainant

2.Suresh

... 2nd Respondent/ Defacto
Complainant

Prayer: Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Charge sheet in C.C.No.39/2017 on the file of the learned Judicial Magistrate, Melur, Madurai District and quash the same.

For Petitioner : Mr.B.Santhanam Rajeshkumar

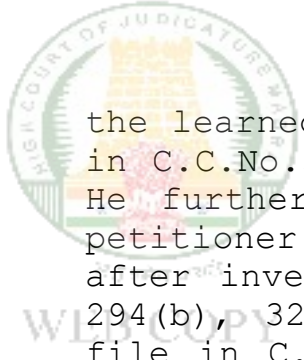
For Respondent : Mr.Prabu Ramachandran (for R1)
Government Advocate

O R D E R

This petition has been filed to quash the proceeding in C.C.No.39/2017.

2.The learned counsel for the petitioner has submitted that it is a false case. Since the petitioner has lodged a complaint against the defacto complainant's wife, as a counter blast, after three days, the second respondent has lodged a false complaint and hence, the proceedings has to be quashed.

3.The learned Government Advocate (Crl.side) has submitted that the defacto complainant's wife has sustained injuries and wound certificate has also been issued and based on the complaint given by the second respondent the First Information Report has been registered and after investigation, a charge sheet has been filed under Sections 294(b), 323, 506(i) IPC and based on that,



the learned Judicial Magistrate, Melur, has taken the case on file in C.C.No.39/2017 and it is posted for appearance of the accused. He further submitted that based on the complaint given by the petitioner herein, a case was registered in Cr.No.368 of 2016 and after investigation, a charge sheet was filed under Section 341, 294(b), 323, 506(ii) IPC and based on that a case was taken on file in C.C.No.124/2014 and he further submitted that since both the cases are case in counter, this case cannot be quashed.

4.Considering the fact that the second respondent's wife has sustained injuries and wound certificate has also been produced and also the fact that the petitioner herein, has filed a case against the second respondent's wife, it is for the Trial Court to appreciate the evidence in both the cases by conducting trial simultaneously and fix the aggressor. Therefore, this petition is not maintainable and the same is liable to be dismissed.

5.In the result, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Melur, Madurai District.
2. The Chief Judicial Magistrate,
Madurai.
3. The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Santhanam Rajeshkumar, Advocate Sr.No.54848

RMK

VB/RSK/SAR2/20.03.2018/2P/6C

Cr1.O.P.(MD) No.3670 of 2018

12.03.2018