

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.6198 of 2016

and

Crl.M.P.No.3195 of 2016

1.Rangasamy
2.Maragatham

...Petitioners

Vs

1.The State rep by
The Sub Inspector of Police,
All Women Police Station,
Sathyamangalam,
Erode District.
(Crime No.11 of 2015)

2.Kirthika Rani

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records and quash the proceedings in C.C.No.123 of 2015 on the file of the learned Judicial Magistrate No.I, Gobichettipalayam in Crime No.11 of 2015 under Section 498(A), 294(b) and 506(i) of IPC.

For Petitioners : Mr.R.Vijayan
For Respondents : Ms.Saratha Devi.V for R1
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition is filed to call for the records and quash the proceedings in C.C.No.123 of 2015 on the file of the learned Judicial Magistrate No.I, Gobichettipalayam in Crime No.11 of 2015 under Sections 498(A), 294(b) and 506(i) of IPC.

2. The petitioners herein have been charged for the offences under Sections 498(A), 294(b) and 506(i) of IPC. The case of the defacto complainant is that the first petitioner is living a default life with the second petitioner and that on the date of incidents, the first petitioner had slapped the defacto complainant and made her to go out of the house.

3. The learned counsel for the petitioners would submit that the offences under Section 498 (A) of IPC is not made out and on this ground, the petitioners seek to quash the charge sheet.

4. A perusal of the statements of the witnesses under Section 161 of Cr.P.C., reveals that on the date of occurrence, the first petitioner herein had affirmed that he was continuing the affair with the second petitioner and that he slapped the defacto complainant and thrown her out of the house. This has been affirmed by atleast two witnesses who claim to be the eyewitnesses. The words uttered during the incident would reveal that the ingredients of the offences under Sections 294(b) and 506(i) of IPC are made out. It is in this background that the charges were framed against the petitioners herein. When prima facie materials substantially implicates the petitioners for the offences, it would not be appropriate to interfere and quash the First Information Report. If the petitioners herein are of the view that the statements of the witnesses are not proper and that the offences are still not made out, it is always open to them to establish the same during the course of trial. It is made clear that the observations made in this order are only for the purpose of disposal of the petition and the trial Court shall not place any reliance on the observations made in this order during the course of trial or thereafter. In this background, I do not find any infirmity in the order passed by the trial Court.

5. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.I,
Gobichettipalayam.
2. -Do-Thro' The Chief Judicial Magistrate,
Erode.

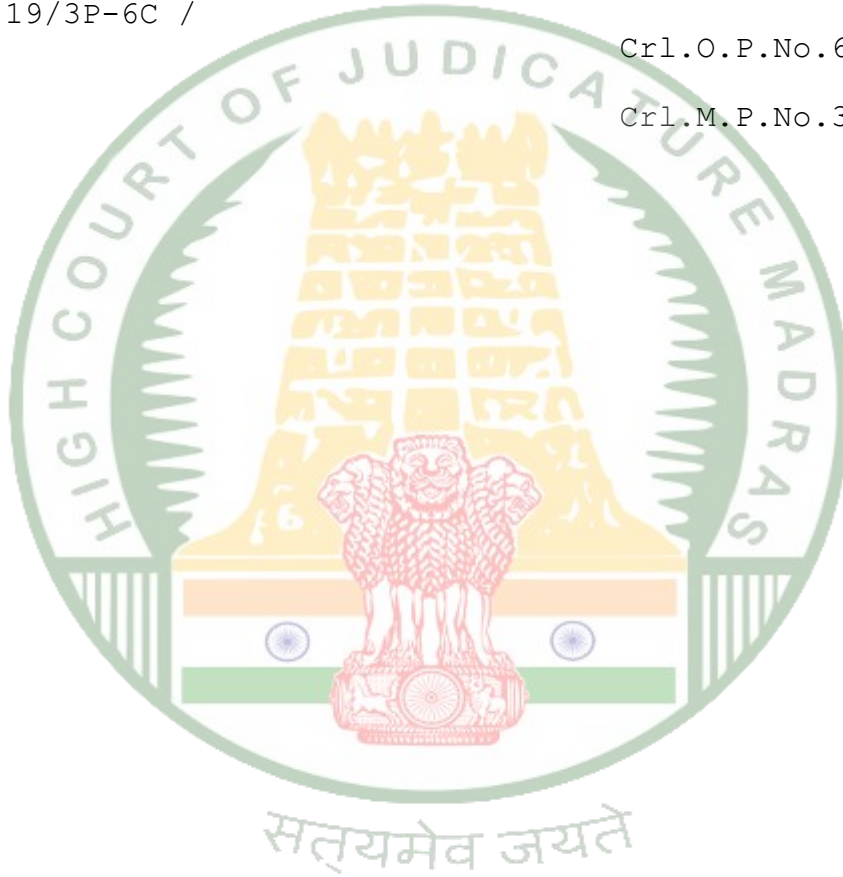
3.The Sub Inspector of Police,
All Women Police Station,
Sathyamangalam,
Erode District.

4.The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.R.Vijayan,Advocate Sr.No. 90457

AKM/16.12.19/3P-6C /

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