



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.1154 of 2015 & 22109 of 2014

and

MP(MD)Nos.1 and 2 of 2015

Crl OP(MD)No.1154 of 2015 :

1.Jenova

2.Sindhu @ Juliet Sindhu

3.Selcia @ Arul Mary

4.Raja ... Petitioners / Accused Nos.1 to 4

Vs.

1.State, rep.by

The Inspector of Police,
Palakkarai Police Station,
Tiruchirappalli,
Tiruchirappalli District.
(Crime No.257 of 2014)

...1st Respondent / Complainant

2.Arokia Eswari

...2nd Respondent / Defacto complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.52 of 2014 on the file of the learned Judicial Magistrate/Additional Mahila Court, Tiruchirappalli, Tiruchirappalli District, and quash the proceedings.

Crl OP(MD)No.22109 of 2014 :

Jenova

... Petitioner / L.W.1

Vs.

1.State, rep.by

The Inspector of Police,
Palakkarai Police Station,
Tiruchirappalli,
Tiruchirappalli District.
(Crime No.258 of 2014)

... 1st Respondent / Complainant



2.Arun Vinoth

... 2nd Respondent / Accused

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct re-investigation in Crime No.258 of 2014 on the file of the first respondent herein by setting aside the order dated 01.07.2014 passed in S.T.c No.3154 of 2014 on the file of the learned Judicial Magistrate No.V, Tiruchirappalli, Tiruchirappalli District.

In both the cases :

For Petitioner/s : Mr.A.Thiruvadi Kumar

For Respondents : Mr.A.Robinson,
Government Advocate (crl.side) for R1

No appearance for R2

COMMON ORDER

The petitioners in Crl OP(MD)No.1154 of 2015 are facing trial in C.C No.52 of 2014 on the file of the learned Judicial Magistrate / Additional Mahila Court, Tiruchirappalli for the offences under Sections 294(b), 323, 326, 506(ii) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act. The petitioners herein appear to have received some summons for police enquiry. In this regard, the petitioners herein are said to have picked up a quarrel in front of the house of one Daisy Rani and the accused herein said to have attacked her and two others. As a result, Daisy Rany as well as the second respondent herein Arokia Eswari had suffered some injuries. Crime No.257 of 2014 was registered in this regard. Investigation was taken up and final report was filed and the case was taken up for trial in C.C No.52 of 2014 on the file of the learned Judicial Magistrate/Additional Mahila Court, Tiruchirappalli. To quash the same, this criminal original petition has been filed.

2.I went through the statements recorded under Section 161 of Cr.PC and also the wound certificate. It is not in dispute that the victims did not suffer any external injury. In fact, the first petitioner herein had given a counter case. The same was taken on file in STC No.3154 of 2014 on the file of the learned Judicial Magistrate No.V, Tiruchirappalli and the same was closed by pleading guilty and levying fine. I am of the view that a petty quarrel has been given criminal colour. Section 95 of IPC can very well be invoked in this case. Section 95 of IPC reads as follows :



"95. Act causing slight harm.—Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm."

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3. Therefore, applying the aforesaid provision, the impugned prosecution is set aside. I have to bear in mind the petitioners 1 to 3 are women. The petitioners herein as well as the second respondent hail from the very same street. The petitioners through their counsel expressed their regret and remorse for what had happened. I am of the view that this should give a closure to the entire incident. The petitioners also agreed that they would not press their case in CrI OP (MD)No.22109 of 2014. Accordingly, CrI OP(MD)No.1154 of 2015 stands allowed. The learned counsel for the petitioner in CrI OP(MD)No.22109 of 2014 seeks permission of this Court to withdraw the O.P. Permission granted. CrI OP(MD)No.22109 of 2014 stands dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CrI. Side)

/TRUE COPY/

Sub Assistant Registrar

Skm

To

1. THE JUDICIAL MAGISTRATE/ADDITIONAL MAHILA COURT,
TIRUCHIRAPPALLI, TIRUCHIRAPPALLI DISTRICT.
2. THE JUDICIAL MAGISTRATE NO.V,
TIRUCHIRAPPALLI, TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE, PALAKKARAI POLICE STATION,
TIRUCHIRAPPALLI, TIRUCHIRAPPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-88269[F] dated 20/09/2019)

CrI OP(MD)No.1154 of 2015 &
22109 of 2014
and
MP (MD) Nos.1 and 2 of 2015
19.09.2019

JM/18.10.2019/3P/6C