



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2020

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD) No.12434 of 2020

and

Crl.M.P(MD) No.5624 of 2020

WEB COPY

1.Ramalakshmi

2.Muthammal

Petitioners/Accused 2 & 3

Vs.

1.State Represented by the
Sub Inspector of police,
Koomapatti Police Station,
Virudhunagar District.

...1st Respondent/
Complainant

2.Madasamy

...2nd Respondent/Defacto
Complainant

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in connection with CC No.191 of 2020, on the file of the Additional Mahila Court, Judicial Magistrate, Srivilliputtur, Virudhunagar District and quash the same as devoid of merits and illegal.

For Petitioner : Mr.A.D.Ganeshamoorthi

For R-1 : Ms.S.E.Veronica Vincent
Government Advocate (Crl. Side)

ORDER

Heard, the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the first respondent.

2.This Criminal Original Petition has been filed for quashing the case in CC No.191 of 2020, on the file of the Additional Mahila Court, Judicial Magistrate, Srivilliputtur, Virudhunagar District.

3. According to the petitioner, based on the complaint given by the second respondent/defacto complainant, First Information Report in Crime No.117 of 2018 has been registered against the petitioners for the offences under Sections 294(b), 323,324,506(ii) of IPC and Section 4 of Prohibition of Harassment of Woman Act, 2002 on 24.05.2018. Subsequently, Final Report has been laid before the Additional Mahila Court, Judicial Magistrate at Srivilliputtur, Virudhunagar District in CC No.191 of 2020.



According to the petitioners, there is a civil dispute between the petitioners and the defacto complainant, with regard to the vacant site situated in between the houses of the petitioners and the Defacto complainant. According to the petitioners, the second respondent attempted to covert the civil case into criminal case. Hence, the petitioners pray this Court to quash the case in CC No.191 of 2020.

4.The learned counsel for the petitioners would submit that the offences under Sections 294(b), 324,323 and 506(ii) of IPC and Section 4 of Prohibition of Harassment of Woman Act, 2002 were not made out against the petitioners. Hence, the case is liable to be quashed. Further, the learned counsel would pray that since the petitioners are women and their personal appearance may be dispensed with.

5.When the matter is taken up for hearing today, the learned Government Advocate (Crl.Side) appearing for the 1st respondent has strongly objected to quash the above said case.

6.I have carefully gone through the materials available on record. The contentions raised by the petitioners that they are no way connected with the offence has to be decided only by the trial Court. However, since the petitioners are women, I am of the view that their personal appearance may be dispensed with. Accordingly, their personal appearance of the petitioners before the trial Court is dispensed with. The learned Judicial Magistrate, Additional Mahila Court, Srivilliputtur, Virudhunagar District is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order.

7.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1.The Sub Inspector of police,
Koomapatti Police Station,
Virudhunagar District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-21350[F] dated
06/11/2020)

Crl.O.P(MD) No.12434 of 2020
and
Crl.M.P(MD) No.5624 of 2020

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SE (CO)

NR (01/12/2020) 3P : 4C