



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.11.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.5267 of 2017 &
Crl.M.P.Nos.3929 & 3930 of 2017

1. K.A.Palanisamy

(Dismissed as abated and amended as per
order in Crl.M.P.Nos.3929 & 3930 of 2017
dated 22.10.2021 in Crl.O.P.No.5267 of 2017)

2. P.Bhanumathy

...Petitioners

Vs

The State rep. by
the Inspector of Police,
Chinnasalem Police Station,
Villupuram District.
Crime No.81/2012

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.178 of 2014 on the file of the learned Judicial Magistrate, Kallakurichi, Villupuram District and quash the same.

For Petitioners : Mr.C.D.Johnson

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Criminal Side)

O R D E R

The above petition has been filed to quash the final report as against A1 and A2 for the offences under Sections 294(b), 323, 506(i) of I.P.C. r/w Section 4 of Women Harassment Act.



2. The de facto complainant is none other than daughter in law of the first petitioner. It is submitted by the learned Counsel for the petitioner as well as the prosecution that the first petitioner had died on 05.12.2020 and hence, the charge against the first petitioner has abated.

3. The allegation against the petitioners is that A1 had abused the de facto complainant in respect of a property dispute in a filthy language and also slapped and pushed her and A2 has abused the de facto complainant stating that she is responsible for the incident. Thereby, the prosecution has been launched against the petitioners.

4. It is not in dispute that A1 died. A2 is before us. Normally the Court is slow in interfering with the final report filed by the prosecution. However, if the final report and the materials collected by prosecution in its entirety does not reveal any prima facie case against the petitioner, continuing prosecution is certainly nothing but abuse of process of law. The statement of witnesses only indicate that there was a quarrel in respect of the family properties.

5. The allegation though targeted against the A1, who is no more, the only allegation against A2/present petitioner is that she also abused the de facto complainant in filthy language stating that the de facto complainant is the reason for that incident. Except one line of abusive language, there is no materials, whatsoever, to constitute any offence against the petitioner. If the statements, as such taken as proof, the same will not be sufficient to proceed against petitioner/A2, particularly, to constitute the offence charged against the petitioner. Hence, this Court is of the view that continuing prosecution as against the petitioner/A2 is nothing but futile exercise on the part of the prosecution and the charge against the second petitioner has to be quashed.

6. Accordingly, this Criminal Original Petition is allowed and the case in C.C.No.178 of 2014 on the file of the learned Judicial Magistrate, Kallakurichi, Villupiram District against the second petitioner is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar



vrc/kbs

To

WEB COPY

1. The learned Judicial Magistrate,
Kallakurichi, Villupuram District.
2. The Inspector of Police,
Chinnasalem Police Station,
Villupuram District.

Copy to: The Public Prosecutor,
High Court, Madras-104.

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RGN(CO)
CB(02/12/2021)