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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.11.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.21079 of 2017 and
Crl.M.P.Nos.12468 & 12469 of 2017

Parvathi

...Petitioner

Vs

1.The Inspector of Police,
Puduchatram Police Station,
Namakkal District.

2.Karthika

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to C.C.No.88 of 2017 on the file of the Judicial Magistrate No.II, Namakkal and quash the same as illegal, incompetent and without jurisdiction by allowing the present Criminal Original Petition.

For petitioner : Mr.R.Jayaprakash

For Respondents : R1 - Mr.R.Kishore Kumar,
Government Advocate [Criminal Side]

R2 - No appearance

O R D E R

This petition has been filed to quash the charge sheet filed in C.C.No.88 of 2017 on the file of the Judicial Magistrate No.II, Namakkal for the offences under Sections 294 [b], 324, and 506[i] of I.P.C. as against the petitioner.

2. The crux of the case of the prosecution is that the petitioner had beaten the defacto complainant and abused her and thereby caused injury to the defacto complainant on her chest.

3. The main contention of the learned counsel appearing for the petitioner is that initially, the petitioner had lodged a complaint against the defacto complainant and only as a counter blast, the present case has been registered against the



petitioner. It is his further submission that there is a delay in filing the present First Information Report and also there is a delay in examination of witnesses. Hence, prayed to quash the final report filed against the petitioner.

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4. The delay in filing the First Information Report and delay in examination of the witnesses cannot be looked into at this stage and that cannot be a ground to quash the entire proceedings and what is the explanation forth coming for such a delay has to be seen only during the trial. It is also submitted that there is a case in counter pending between the parties. In such view of the matter, this Court is not inclined to quash the proceedings against the petitioner at this stage.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

vrc / kbs

To

- 1.The Judicial Magistrate No.II,
Namakkal.
- 2.The Inspector of Police,
Puduchatram Police Station,
Namakkal District.
- 3.The Chief Judicial Magistrate,
Namakkal.
- 4.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.21079 of 2017 and
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SPD (CO)
PR (10/12/2021)