



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.2345 of 2017
and MP No.1650 & 1651 of 2017

1. D.Muthulakshmi

2. D.Pushpalatha ... Petitioner /Accused 2 and 3

-Vs-

1. State Rep. By
The Sub Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.1st Respondent/Complainant

2. T.Rajalakshmi .. 2nd Respondent / Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to C.C.No.129 of 2016 on the file of the learned Judicial Magistrate, Uthiramerur.

For Petitioner : Mr.G.Ravikumar

For Respondent : Mr.E.Rajthilak
Counsel for Government
(Crl Side) for R1

Respondent R2 - Not Ready Notice

O R D E R

This Criminal Original petition has been filed seeking to quash the proceedings in C.C.No.129 of 2016 on the file of the learned Judicial Magistrate, Uthiramerur.

2. The case of the prosecution is that on 15.08.2016, at about 6.00 p.m, the defacto complainant after finishing her agricultural activities, had proceeded home along with bulls, the petitioner's husband said to have abused her in a filthy language. After sometime, on reaching home, she informed her son. When the same was questioned by the defacto complainant's



son, the 1st petitioner along with her husband and her daughter/2nd petitioner herein were threatened the defacto complainant's son and also tried to attack him by using the vegetable cutter. Therefore, the defacto complainant preferred a complaint before the respondent police on 16.08.2016. After enquiry, FIR came to be registered against these petitioners for the offences under Sections 294(b), 323 and 506(ii) IPC. The case was taken on file in C.C.No.129 of 2016 before the learned Judicial Magistrate Court, Uthiramerur. Challenging the said proceedings, the petitioners filed this Criminal Original seeking to quash the same.

3. The learned counsel for the petitioners submitted that a false case has been foisted against these petitioners and these petitioners were not present at the time of occurrence. The 2nd petitioner is a juvenile and her date of birth is 05.06.1999. At the time, when the incident had occurred, the 2nd petitioner was only aged about 17 years. The learned counsel further submitted that this is a counter case to the earlier complaint given by one Dilli, who is the husband of the 1st petitioner herein, against the defacto complainant. The learned counsel further submitted that even in the charge sheet filed by the respondent police, there is no specific overt act as against these petitioners are concerned.

4. The learned counsel for Government (Crl.Side) submitted that based on the complaint given by the defacto complainant, FIR has been registered. Investigation has been completed and Charge sheet has also been filed before the learned Judicial Magistrate, Uthiramerur.

5. This Court carefully considered the submissions made on either side and also perused the materials placed before it.

6. A perusal of the materials available on record and also the FIR reveals that neither the defacto complainant nor her son had suffered any injury at the hands of the 1st petitioner and her husband. None of the witnesses have spoken about the same. The statement of the said witnesses are silent on the said aspect. That apart, there is no material placed by the prosecution to show that the defacto complainant and her son were injured and were taken to the hospital for treatment. Insofar as the 2nd petitioner is concerned, as per the material placed before this Court, as on the date of incident, she is a juvenile and therefore, she cannot be proceeded with under the penal provisions. For the reasons aforesaid, this Court is inclined to quash the proceedings pending against these petitioners. Accordingly, the proceedings pending in C.C.No.129 of 2016 before the learned Judicial Magistrate, Uthiramerur, is hereby quashed only insofar as these petitioners are concerned



and this Criminal original is allowed. Consequently, the connected miscellaneous petitions are also closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate, Uthiramerur
2. The Sub Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.
3. The Additional Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.G.Ravikumar, Advocate, S.R.No.30165.

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PL(CO)
HS(26/07/2021)