



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL. O.P. NO. 27466 OF 2017

AND

CRL.M.P.NOS.15695 AND 15696 OF 2017

Valli

... Petitioner/Accused No.2

Versus

1. The State rep by
The Inspector of Police,
G-7, Achirapakkam Police Station,
Kancheepuram District.
Cr.No.538/2017

2. Noorjahan

... Respondents/Complainants

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the charge sheet in C.C.No.266 of 2017, on the file of the Learned Judicial Magistrate, Madurantakam and quash the same.

For Petitioner : Mr.G.Mahesh Kumar

For Respondents : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side) for R1

: No appearance for R2

ORDER

This Criminal Original Petition has been filed to quash the criminal proceedings in C.C.No.266 of 2017, on the file of the Learned Judicial Magistrate, Madurantakam for the offences under Sections 294(b), 341, 323, 506(i) IPC r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act.



2. The crux of the prosecution case is that the petitioner/A2 being the mother of A1, abused the de-facto complainant and A1 kicked the de-facto complainant as a result of which, she sustained injury on the stomach and A2 made abusive remarks as against A1. The main contention of the learned counsel appearing for the petitioner is that the alleged statements attributed against A2 would not constitute an offence. Therefore, the charge against the A2 to be quashed.

3. At the outset, this Court is of the view that whether such statement would constitute an offence or not, it is a matter of evidence before the trial Court when the materials collected by the prosecution indicate with some obscene words alleged to have been made by the petitioner, the validity and veracity of the same, cannot be gone into at this stage while exercising jurisdiction under Section 482 Cr.P.C. Accordingly, I do not find any merit in this case and this Criminal Original Petition is dismissed. However, considering the facts and circumstances of the case, the personal appearance of the petitioners/accused before the trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court. It is very well open to the petitioners/accused to raise all their defence before the trial Court.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

psa/asr

To

1. The Judicial Magistrate,
Madurantakam.
2. The Inspector of Police,
G-7, Achirapakkam Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

Cr1. O.P. No. 27466 of 2017

RSI (CO)

RLP (22/12/2021)