



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

Cr1.OP(MD)No.249 of 2021 &

Cr1.MP.(MD)Nos.84 & 85 of 2021

WEB COPY

1.Johnson Rajkumar
2.Selvaraj
3.Nambikkaimary
4.Margaret Nirmalamary

... Petitioner

vs.

1.The Inspector of Police,
All Women Police Station,
Alangudi, Pudukkottai District.

2.Savariyammal

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the records in CC.No.35 of 2020 on the file of the Judicial Magistrate Court, Alangudi, Pudukkottai District and quash the same.

For Petitioner :Mr.D.Rameshkumar

For R1 :Mr.A.Robinson,

Government Advocate (Criminal Side)

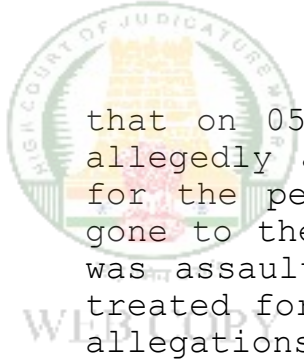
O R D E R

The present petition has been filed under Section 482 of Criminal Procedure Code to quash all further proceedings in CC.No.35 of 2020 on the file of the Judicial Magistrate Court, Alangudi, Pudukkottai District.

2. The main contention of Mr.D.Rameshkumar, learned counsel for the petitioner is that a false complaint was given by the wife of the first petitioner which culminated into registration of First Information Report in Crime No.5 of 2019 and filing of final report in CC.No.35 of 2020 on the file of the Judicial Magistrate, Alangudi. His further contention is that all the allegations found in the final report are imaginary and that no case is made out against the present petitioner. It is also his contention that the said complaint was made as a sequel to the divorce petition in IDOP.No.84 of 2020 filed by the petitioners.

3. Mr.A.Robinson, learned Government Advocate (Criminal Side) accepts notice for the first respondent.

4. A perusal of 161 (3) Criminal Procedure Code Statement of the Assistant Professor, Government Medical College, Thanjavur shows



that on 05.03.2019 at about 09.00 pm, the defacto complainant was allegedly assaulted by her husband. However, the learned counsel for the petitioner would contend that the defacto complainant had gone to the Hospital only on 12.03.2019 though she alleged that she was assaulted by her husband on 05.03.2019. The delay in getting treated for the injuries cannot be a ground to hold that the entire allegations of the defacto complainant are false. The Inspector of Police, All Women Police Station, Alangudi after investigation laid a charge sheet in CC.No.35 of 2020 before the learned Judicial Magistrate, Alangudi, Pudukkottai District and at this stage, I do not see any reason to quash the CC.No.35 of 2020.

5. In the facts and circumstances, this petition is dismissed. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

To

- 1.The Inspector of Police,
All Women Police Station,
Alangudi, Pudukkottai District.
- 2.The Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.OP(MD)No.249 of 2021 &
Crl.MP.(MD)Nos.84 & 85 of 2021
08.01.2021

VB (05.02.2021) 2P 3C