



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 18.01.2021
DATE ON WHICH PRONOUNCED : 17.02.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.10940 of 2017
and Crl MP(MD)No.7454 & 7455 of 2017

1.Chinnathambi
2.Chinna Pappa
3.Sasikumar
4.Murali

... Petitioners/Accused Nos.1 to 4
Vs.

1.State rep by
The Inspector of Police,
All Women Police Station,
Musiri, Trichy District.
In Crime No.8 of 2016

... 1st Respondent/Complainant

2.Dhanalakshmi ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records pertaining to the charge sheet filed in
C.C.No.91 of 2017 pending before the learned Judicial Magistrate,
Thuraiyur, Trichy District and quash the same.

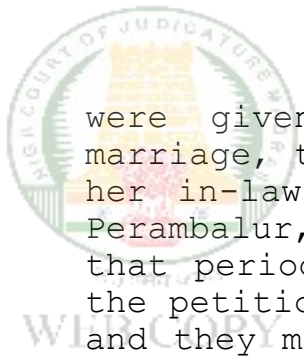
For Petitioners: A.Joel Paul Antony
For R1 : Mr.M.Ganesan
Government Advocate (Crl.Side)
For R2 : Mr.V.Singan

ORDER

This Criminal Original Petition has been to quash the charge
sheet in C.C.No.91 of 2017 pending before the learned Judicial
Magistrate, Thuraiyur, Trichy District.

2. The brief facts of the case is as follows:-

The defacto complainant is the wife of the fourth petitioner
herein. The first and second petitioner are the parents of the
fourth petitioner. The third petitioner is the brother of the fourth
petitioner. The marriage between the defacto complainant and the
fourth respondent took place on 04.12.2014. At the time of
marriage, 25 sovereigns of gold jewels and other sridhana things

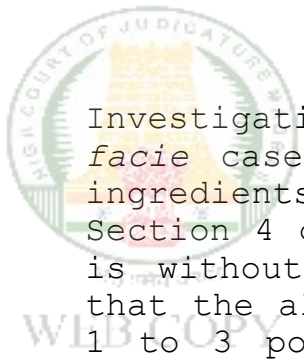


were given by the parents of the defacto complainant. After marriage, the defacto complainant lived in a joint family along with her in-laws. The fourth petitioner was working in MRF Company at Perambalur, he used to come for only two days in a month. So, during that period, the defacto complainant was harassed and assaulted by the petitioners 1 to 3. It was also brought to notice of the elders and they made a compromise between the defacto complainant and the petitioners 1 to 3. Later, the fourth petitioner started to work as Machine Engineer in CNC Company, Chennai and the defacto complainant, continued to live along with the first and second petitioner. Even after that, they harassed and ill treated her. On 03.06.2016, at about 06.00 p.m, the petitioners 1 and 3 have abused the defacto complainant with filthy language and the second petitioner pushed the defacto complainant, out of the house by catching her hair. So, based upon the complaint given by the defacto complainant, a case in Crime No.8 of 2016, on the file of the All Women Police Station, Musiri, for the offences under Sections 294 (b), 323 and 352 of IPC r/w 4 of Tamil Nadu Prohibition Women Harassment Act, was registered on 11.07.2016, and after completing the investigation, final report was filed before the learned Judicial Magistrate, No.I, Thuraiyur, Trichy District, and the same has been taken cognizance in C.C.No.91 of 2017 and the learned Magistrate issued summons to the petitioners. Challenging, the charge sheet, this petition has been filed by the petitioners for quashing the charge sheet.

3.Heard the learned counsel for the petitioners, learned Government Advocate (Crl.Side) for the first respondent and the learned counsel for the second respondent.

4.From the facts narrated above, it is seen that the fourth petitioner and the defacto complainant are the husband and wife. The defacto complainant was residing in her in-laws house and according to her, during the period she was ill treated and more specifically on 03.06.2016, she was driven out of the house. Perusal of records shows that in respect of the same occurrence, the second petitioner has preferred a complaint on 12.06.2016 before the Thathayankarpet Police Station, Trichy against the defacto complainant and her parents, which is also registered in Crime No.95 of 2016. Copy of which, enclosed in typeset.

5.Perusal of First Information Report shows that on the date of occurrence some dispute arose between the two parties and appears that both have preferred separate complaint. Subsequent to that H.M.O.P.No.184 of 2016 has been filed by the fourth petitioner against the defacto complainant seeking a decree of divorce on the ground of cruelty. Wherein, the occurrence dated 04.06.2016, has been made as a ground. The only contention that has been raised by the second respondent is that appropriate materials are available for proceeding against the petitioners and so, they have to undergo the statement of the witnesses collected by the



Investigation Officer, during the investigation, makes out a *prima facie* case to proceed against the petitioners. Argument that the ingredients of the offences under Sections 498 (A), 294 (b), 323 and Section 4 of Prohibition of Women Harassment Act, are not attracted is without any substance. During the investigation, it was found that the allegation of the defacto complainant that the petitioners 1 to 3 poured kerosene on her is not correct and they filed a alteration report. But, that cannot be a ground for stating that no ingredients of offence mentioned in the charge sheet are attracted.

6.In the First Information Report, it has been mentioned that the fourth petitioner assaulted the defacto complainant at the instigation of the petitioners 1 to 3. So, I find that no extraordinary case has been made out by the petitioners, to quash the charge sheet. They can very well raise their points, at the time of framing charge by the Trial Court. So, I find that, no case has been made out for quashing the charge sheet and accordingly this petition is liable to be dismissed and accordingly dismissed. Consequently, connected miscellaneous petitions are closed.

7.However, liberty is given to the petitioners to raise their points at the time of framing charge. If the petitioners raise points, the Trail Court shall consider the same, without being influenced by the observation made by this Court.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar

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 Judicial Magistrate,
Thuraiyur, Trichy District.
- 2.The Inspector of Police, All Women Police Station,
Musiri, Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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and Crl MP(MD)No.7454 & 7455 of 2017
17.02.2021

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