



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM

THE HONOURABLE THIRU JUSTICE G.CHANDRASEKHARAN

CRL.O.P.NO.29281 OF 2015

AND

M.P.NOS.1 AND 2 OF 2015

Padmavathy

... Petitioner/Accused No.2

vs

Pushpavathi

... Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records in C.C.No.9 of 2015 on the file of Judicial Magistrate No.III, Coimbatore and quash the same.

For Petitioner : Mr.N.Manokaran

For respondent : Mr.C.Venkatesan
Legal Aid counsel

O R D E R

This Criminal Original Petition is filed to call for the records pertaining to C.C.No.9 of 2015 on the file of Judicial Magistrate No.III, Coimbatore and quash the same.

2. The case in C.C.No.9 of 2015 came to registered against the petitioner and certain other persons for the offences punishable under Sections 323, 354, 506(ii) r/w 34 IPC on the basis of the complaint filed under Section 200 of Criminal Procedure Code.

3. The contention of the learned counsel for the petitioner is that there was previous incident between the petitioner and the accused on 26.03.2014 and on the basis of the complaint



given by one against another, a case in Cr.No.238 of 2014 was registered against the defacto complainant and her husband and a case was registered in Cr.No.240 of 2014 against Karuppusamy and five others.

WEB COPY

4. After investigation, the police filed final report in Cr.No.238 of 2014 for the offences punishable under Section 75 (1)(c) of Tamil Nadu City Police Act read with Sections 323, 506 (i) IPC. Finding that the allegations made in Cr.No.240 of 2014 are not true, the investigating officer closed the first information report as 'mistake of fact'. Thereafter, this private complaint has been filed only with a view to harass the petitioner and others.

5. Learned counsel drew the attention of this court with regard to the allegations made against the petitioner and other accused in Cr.No.240 of 2014 and the improvement and the embellishment made in the private complaint.

6. By reading both the complaints, it appears that there are improvements and embellishments made in the private complaints. The fact remains that in both the complaints, there is specific allegation against the petitioner that she has also participated in the commission of criminal act as a member of unlawful assembly and assaulted the respondent.

7. Therefore, this Court is of the considered view that there are materials to proceed with the proceedings in C.C.No. 9 of 2015 against the petitioner. It is for the petitioner to elicit all these contradictions during the course of trial and seek for discharge/acquittal.

8. In such view of the matter, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Judicial Magistrate No.III,
Coimbatore.



2. -do- through The Chief Judicial Magistrate,
Coimbatore.

+1cc to M/s.N.Manokaran, Advocate, S.R.No.16442

+1cc to M/s.C.Venkatesan, Advocate, S.R.No.16067

Crl.O.P.No.29281 of 2015

PMK (CO)
RLP (28/03/2022)