



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :25.04.2022

CORAM

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THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP No.7989 of 2019
& Crl MP.No.4334 of 2019

1.E.Vijayan
2.Amudha
3.V.Susmitha
4.Subathra
5.Suvetha

.. Petitioners

Vs

1.The Inspector of Police,
Melmaruvathur Police Station,
Kancheepuram District,
in Crime no.395 of 2017

2.Elavarsi

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to quash the case in CC No.194 of 2018 pending on the file of the learned Judicial Magistrate, Maduranthagam.

For Petitioners:Mr.M.R.Thangavel

for M/s.Balamurugane

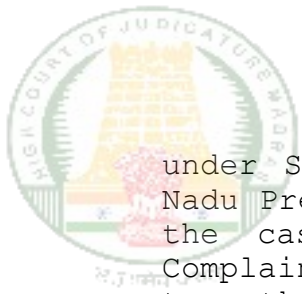
For Respondent :Mr.Vinothkumar, GA (crl.side) for R1

ORDER

This Petition has been filed under Section 482 Cr.P.C., to quash the case in CC No.194 of 2018 pending on the file of the learned Judicial Magistrate, Maduranthagam.

2.Heard the learned Counsel for the Petitioners and the learned Government Advocate(Crl.side) appearing for the Respondent police.

3.The learned Counsel for the Petitioners submitted that the first petitioner is the father and the second petitioner is the mother. The petitioners 3 to 5 are the daughters. Regarding an incident that had occurred on 14.05.2017, by around 9.15am, wherein, the second Respondent's brother by name Prasanth is alleged to have mis-behaved with one of the daughters of the first and second Petitioners. The first Petitioner is alleged to have scolded the brother of the second Respondent/Defacto complainant. Also he had lodged a complaint in the Melmaruvathur Police Station, which was registered in Crime no.394 of 2017 for the alleged offences

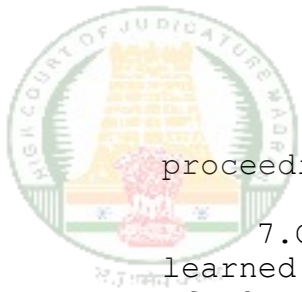


under Sections 294(b), 506 (II) r/w Section 4 of the Tamil Nadu Prevention of Harassment of Women Act. After registering the case, the brother of the second Respondent /Defacto Complainant was arrested at about 1.00 pm and sent for remand to the Court of the learned Judicial Magistrate, Maduranthagam. The second Respondent, who is the sister of the said Prasanth had with an ulterior motive, preferred a complaint by 2.30pm on the same day. Based on which, an FIR was also registered in Crime no.395 of 2017, a copy of which is available in the typed set. The Investigating Officer, had clearly stated that the complaint, which was registered in Cr.No.395 of 2017 is without any basis and therefore, further action was dropped, against which, the second Respondent had preferred a Protest Petition in CC No.194 of 2018. In the meanwhile, the FIR in Crime No.394 of 2017 was investigated and on the completion of the investigation, final report of the investigation has been laid before the Court of learned Judicial Magistrate, Maduranthagam in CC No.194 of 2018. As against the Protest Petition, the petitioners had filed this Criminal Original Petition seeking to quash the Protest Petition filed by the second respondent in CC No.194 of 2018. During the pendency of Crl.OP No.7989 of 2019, the trial proceedings in CC No.194 of 2018 was conducted against the accused/the brother of the second respondent/defacto complainant herein by name Prasanth, and later, he was acquitted.

4.The learned Counsel for the Petitioners had submitted that the Protest Petition filed by the second respondent / defacto complainant herein in CC No.194 of 2018 on the file of the learned Judicial Magistrate, Maduranthagam is liable to be quashed as it is a counter blast to the FIR registered in Crime no.395 of 2017, pending on the file of the Melmaruvathur Police Station, Kancheepuram District.

5.Even though, the name of the Counsels for the second respondent/defacto complainant printed in the cause list, none of the Counsel appeared for the second respondent /defacto complainant.

6.The learned Government Advocate(Cri.side) has advanced his arguments. As per the submissions of the learned Government Advocate(Cri.side) both the FIRs in Crime nos.394 & 395 of 2017 were taken up for investigation and since the Investigation Officer has found out during the investigation in Crime no.395 of 2017 that it has been made with the mala fide intention and as a counter blast to the complaint made by the petitioners herein in Cr.No.394 of 2017, the further action was closed. The petitioners herein filed this Criminal Original Petition challenging the Protest Petition, which had been filed by the second respondent in CC.194 of 2018. Therefore, the learned Government Advocate(Cri.side) submitted that the Investigating Officer had rightly dropped the further



proceedings.

7. Considering the rival submissions and the fact that the learned Counsel for the Petitioners produced the Daily Status of the case in CC No.190 of 2017 on the file of the learned Judicial Magistrate II, Maduranthagam, regarding the judgment of acquittal recorded by him in Case no.190 of 2017 in the case of Sub Inspector of Police, Melmaruvathur Vs. Prasanth.

8. Recording the same, this Criminal Original Petition is allowed and the proceedings in CC No.194 of 2018 pending on the file of the learned Judicial Magistrate II, Maduranthagam is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate, Maduranthagam.

2.The Inspector of Police,
Melmaruvathur Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

Crl.OP No.7989 of 2019

SKM(CO)
A.SK(23/05/2022)