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CRL.O.P.No.21465 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl.O.P.No.21465 of 2021

and

Crl.MP.No.11593 of 2021

Kanagasabai

...

Petitioner/Accused 7

Versus

1.State by

The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.
Crime No.547/2020.

...

1st respondent/complainant

2.Anastraj

...

2nd respondent/ Defacto
complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.547 / 2020 on the file of Inspector of Police, Udayarpalayam Police Station, Ariyalur District in so far as this petitioner is concerned and quash the same.

For Petitioner	:	Mr.V.Sivaraman for M/s K.Balu
For Respondent-1:		Mr.A.Damodaran
		Additional Public Prosecutor
For Respondent-2:		No appearance



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ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.547 / 2020 on the file of Inspector of Police, Udayarpalayam Police Station, Ariyalur District in so far as this petitioner is concerned and quash the same as illegal.

2. The petitioner is the 7th accused in this case. The second respondent/*defacto* complainant has given a compliant on 5/10/2020 by alleging that some named accused had formed an unlawful assembly and came before the *defacto* complainant's house and abused her, assaulted her and threatened her and one accused by name Varadharajan had attacked her brother with Aruval and some of the accused had attacked her father. In the said complaint the one and only allegation against this petitioner by name Kanagasabai is that the occurrence had happened only at the instigation of this petitioner, Chetty, Ponnusamy and one Silambarasan.

3. The learned counsel for the petitioner submitted that except the



above one line allegation in respect of the petitioner, there is no serious allegations have been made and there is no material available on record to make out the case against the petitioner for the offences stated in the First Information Report. Only allegation in respect of this petitioner is abetment to the said occurrence. The first information report has been registered for the offence under Section 109 IPC read with other Penal Provisions as well.

4. The learned Additional Public Prosecutor for the respondent police had also submitted that the investigation, in this case, has been completed and the charge sheet has been sent for the approval of the Additional Public Prosecutor.

5. Considering the facts and circumstances of the case, all the facts about the occurrence can come to light. On the face of it, the case of the prosecution does not suffer from any lack of materials or on any irregularity so as to render the first information report as against the petitioner be quashed.



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R.N.MANJULA, J.

jrs

In view of the same, this Criminal Original Petition stands **dismissed**.

If the petitioner finds absence of material against him, even after the charge sheet is filed, the avenues are still open to him to take appropriate proceedings in accordance with law. Consequently connected miscellaneous petition is dismissed.

05.12.2022

Index: Yes/No

jrs

To:

- 1.The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.
- 2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.21465 of 2021
and
Crl.MP.No.11593 of 2021