



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P(MD)No.1080 of 2020

and

CrI.M.P(MD)Nos.469 and 473 of 2020

WEB COPY

1.Athinam
2.Aasaithambi ... Petitioners/Accused Nos.1 and 2

Vs.

1.The State Represented by,
The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
(Crime No.63 of 2017) ... 1st Respondent/Complainant

2.Suriyarani ... 2nd respondent/defacto complainant

PRAYER: Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.283 of 2018 on the file of the learned District Munsif-cum-Judicial Magistrate, Thiruppathur, Sivagangai District and quash the same as against the petitioner.

For Petitioners	: Mr.C.Suresh Kumar
For R-1	: Mr.S.Manikandan, Government Advocate
For R-2	: No Appearance

ORDER

The final report filed in C.C.No.283 fo 2018 on the file of the learned District Munsif-cum-Judicial Magistrate, Thiruppathur, Sivagangai District, for the offence under Sections 323 and 506(i) of I.P.C and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002, is sought to be quashed by this Court.

2. The main contention of the learned counsel for the petitioners is that a counter case has also been registered against the defacto complaint in Crime No.64 of 2017, in which, the defacto complainant had also paid the fine amount. Therefore, as a counterblast, the petitioners have been prosecuted in Crime No.63 of 2017. It is the further contention of the learned counsel for the petitioners that there is no ingredients available on the materials collected by the prosecution, to prove the offences charged in the final report.

3. Heard the learned counsel for the petitioner, the learned Government Advocate for the State and perused the materials placed

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before this Court.

4. At the outset, this Court is unable to countenance the arguments made by the learned counsel for the petitioners. Merely because the counter case was ended in conviction, the same cannot be a ground to quash the final report filed against the petitioners. As the allegation indicates *prima facie* materials, the trial has to see its logical end. This Court cannot go into the evidential value of the witnesses recorded by the prosecution. Therefore, this Criminal Original Petition is liable to be dismissed.

5. At this juncture, the learned counsel for the petitioners seeks indulgence of this Court to dispense with the personal appearance of the petitioners before the trial Court.

6. In the result, this Criminal Original Petition is dismissed. However, personal appearance of the petitioners before the trial Court is dispensed with, except for receiving the copies answering the charges and for questioning under Section 313 Cr.P.C., or any other date that may be required by the trial Court. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

pm

To:

1.The District Munsif-cum-Judicial Magistrate,
Thiruppathur, Sivagangai District.

2.The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SUDHA RANI, Advocate (SR-14626[F] dated 25/03/2022)

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-14974[F] dated 28/03/2022)

Crl.O.P(MD)No.1080 of 2020
24.03.2022

KG(CO)

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