



CRL.O.P (MD) No.11863 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11863 of 2022

and

CrI.M.P(MD)Nos.7502 and 7504 of 2022

1.Surya
2.Jothivel

...Petitioners/Accused Nos.3 & 4

Vs.

1.The Inspector of Police,
Musiri Police Station,
Trichy District.
(In Crime No.1454 of 2020)

...1st Respondent/Complainant

2.Mageshwari

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records of the impugned C.C.No.68 of 2021 on the file of the Judicial Magistrate, Musiri insofar as the petitioners concerned and quash the same as illegal.

For Petitioners : Mr.S.Bharathy

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in C.C.No.68 of 2021 on the file of the learned Judicial Magistrate, Musiri.



CRL.O.P (MD) No.11863 of 2022

WEB COPY

2.The learned counsel appearing for the petitioners submitted that on 26.07.2020, while the *de facto* complainant was coming to her home, the first accused asked the defacto complainant "why you purchased his relatives land" and abused her by using filthy language and assaulted her with stick. When the second respondent screamed and called her husband, then the husband of the second respondent came to that place, A1 & A2 assaulted the defacto complainant's husband with stick and the petitioners/A3 & A4 scolded the defacto complainant and her husband by using filthy language. He further submitted that the only allegation against the petitioners is that they abused the second respondent and her husband by using filthy language. Apart from that there is no specific allegation as against the petitioners and counter case is also pending. Hence, he prays for quashing the said proceedings.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that counter case was also filed in Crime No.1455 of 2020 for the offence under Sections 147, 294(b), 324, 506(ii) and 323 IPC and the same was taken on file in C.C.No.58 of 2020 before the learned Judicial Magistrate, Musiri, which was posted on 21.07.2022 for evidence.

4. I have considered the submission of the learned counsel appearing for



CRL.O.P (MD) No.11863 of 2022

the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

5. A perusal of records reveals the fact that the petitioners are arrayed as A3 and A4 in C.C.No.68 of 2021. According to the petitioners, charge levelled against these petitioners is that they abused the defacto complainant and her husband in filthy language. Admittedly, a counter case is pending against the defacto complainant and others in C.C.No.58 of 2020 for the offence under Sections 147, 294(b), 324, 506(ii) and 323 IPC. Both the cases are tried in the same Court. Now the petitioners took a factual aspect that they are falsely implicated in this case. This dispute has to be considered before the trial Court by letting in prosecution evidence and this Court finds no merits in this case.

6.The learned counsel for the petitioners further submitted that the first petitioner is going to further study and seeks his personal appearance to be dispensed with before the trial Court. Considering his request, since there is no serious allegation against the petitioners, the personal appearance of the petitioners/A2 & A3 before the trial Court is dispensed with on condition that the petitioners should be appear before the trial Court, whenever their present is required by the learned Judicial Magistrate.



CRL.O.P (MD) No.11863 of 2022

7.In view of the above, this Criminal Original Petition is closed.

Consequently connected miscellaneous petitions are closed.

04.07.2022

Index : Yes / No

Internet : Yes/ No

vsd

To

1.The Judicial Magistrate,
Musiri.

2.The Inspector of Police,
Musiri Police Station,
Trichy District.
(In Crime No.1454 of 2020)

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



WEB COPY



CRL.O.P (MD) No.11863 of 2022

V.SIVAGNANAM, J.

vsd

CRL.O.P (MD) No.11863 of 2022
and
CrI.M.P(MD)Nos.7502 and 7504 of 2022

04.07.2022