



Crl.O.P.(MD) No.21058 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.21058 of 2022

and

Crl.M.P.(MD)No.14748 of 2022

1. Ravi. J

2. Joe Vian. R

...Petitioners

vs

1. The Inspector of Police
SIPCOT Police Station,
Thoothukudi

2. Husaina

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records relating to the Final Report filed under Section 173 of Cr.P.C. in C.C.No.33 of 2022 on the file of Judicial Magistrate No.III, Thoothukudi and quash the same.

For Petitioners : Mr.K.R.Kishore Ram

For Respondents : Mr.R.Sivakumar

Government Advocate (Crl. side)for R1



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ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.33 of 2022 on the file of learned Judicial Magistrate No.III, Thoothukudi.

2. It is the contention of the learned Counsel for the Petitioners that the second Petitioner's marriage was performed. At that time, shamiyana was put up in the front portion of the residence of the Petitioners. After marriage, the second Respondent had approached the Petitioners for removal of the same, for which the Petitioners objected for non removal from the front portion of the residents and used the abusive words against the second Respondent. In spite of the same, the defacto Complainant herself approached the police and lodged complaint based on which First Information Report had been registered against the Petitioners. When the Petitioners had approached this Court for quashing the First Information Report, the then Additional Public Prosecutor submitted before this Court that investigation had been completed and final report had been filed before the Court concerned. Therefore the then learned Single Judge of this Court



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had dismissed the petition filed seeking to quash the First Information Report. Subsequently on verification from the Court it was found that the charge sheet not yet filed. Therefore the Petitioner had approached this Court by way of contempt against the first Respondent. Subsequently charge sheet was laid. It is the contention of the learned Counsel for the Petitioners that the second Respondent having threatened the Petitioners, assaulted the Petitioners, she herself had lodged complaint as though the Petitioners had attacked her based on which charge sheet had been filed and taken on file in C.C. No.33 of 2022.

3.The learned Government Advocate(Crl.Side)would submit that actually the Petitioners had put up Shamiyana in front of the residence subsequently the marriage of the second Respondent son was to be performed. Therefore she had requested the Petitioner to remove the Shamiyana. When she approached the Petitioners herein they alleged to have abused her in abusive words and attacked her. Therefore she had preferred complaint for which First Information Report in Crime No.75 of 2021 was registered. On completion of investigation, final report lodged against the Petitioner in C.C. No.33 of 2022. Connected case is registered in



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Crime No. 74 of 2021 and final report laid in C.C.No.34 of 2022 on the very same Court of the learned Judicial Magistrate No.III, Thoothukudi.

Therefore both the cases are case and case in counter.

4. On considering the submission of the learned Government Advocate(Crl.Side) it is seen that both the case are connected right from the First Information Report till the charge sheet. hence this is not a fit case to quash to charge sheet in both case and counter cases as it will result in miscarriage of justice.

5. In view of the same, this Criminal Original Petition stands dismissed. the Petitioners are directed to co-operate with the pending trial. Consequently connected miscellaneous petition is closed. Further the Petitioners are directed to co-operate with the pending trial.

29.11.2022

Internet:Yes./No

Index:Yes/no

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To

1. The Judicial Magistrate No.III, Thoothukudi
2. The Inspector of Police
SIPCOT Police Station,
Thoothukudi
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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