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CrI.O.P.No.208 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.208 of 2021

and

CrI.M.P. Nos.90 and 92 of 2021

1. Harinath
2. Suresh

... Petitioners

Vs.

1.State Rep
The Sub Inspector of Police,
S-9, Palavanthangal Police Station,
Palavanthangal,
Kanchipuram District.
(Crime No.421 of 2018)

2. Dr.Jamuna Diwakar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records pertaining to the proceedings in C.C.No.91 of 2020 pending on the file of the Judicial Magistrate, Alandur and quash the same.



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For Petitioners : Mr.S.T.Raja

For Respondent-1 : Mr.A.Damodaran,
Additional Public Prosecutor

For Respondent-2 : Notice served-No Appearance

ORDER

This petition has been filed to quash the final report for the alleged offences under Sections 448 and 506(1) of I.P.C read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

2.It is alleged in the final report that the petitioners were employed with a collection Agency, which is the sister concern of the Standard Chartered Bank; that the defacto complainant defaulted in making the repayment of loan taken by her from the Standard Chartered Bank and the petitioners went to the house of the defacto complainant and abused her filthy language besides harassing her.

3.The learned counsel for the petitioners would submit that the



impugned complaint is *malafide*. The defacto complainant has suppressed the fact that she was due to make payment to the Standard Chartered Bank. She had come up with this false complaint only to avoid payment of dues.

4.The learned Additional Public Prosecutor appearing for the 1st respondent would submit that there are eye witnesses to the occurrence. The question as to whether the defacto complainant has made a false statement is a matter for adjudication by the trial Court. Hence, he prayed for dismissal of the quash petition.

5.This Court finds that the points raised by the petitioners that the complaint is false and has been made by the defacto complainant only to avoid repayment of loan to Standard Chartered Bank has to be adjudicated only before the trial Court. Hence, this Court is not inclined to quash the impugned final report. However, the appearance of the petitioners before the trial Court is dispensed with unless the learned Magistrate deems their appearance necessary for the progress



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of the trial. It is open to the petitioners to raise all the points before the trial Court.

6. With the above said observation, this Criminal Original Petition is dismissed. Consequently, connected Crl.M.P.No.90 of 2021 is closed and Crl.M.P.No. 92 of 2021 is allowed. The learned Judicial Magistrate, Alandur may conduct the trial as expeditiously as possible.

13.04.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation :Yes/No

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To

1.The Sub Inspector of Police,
S-9, Palavanthangal Police Station,
Palavanthangal,
Kanchipuram District.

2. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN. J,

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