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Crl.O.P.No.1817 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.1817 of 2022

and

Crl.M.P.No.737 of 2022

S.Menaka

....

Petitioner

Vs

1. State by,

The Sub Inspector of Police,
Cheyyar Police Station,
Cheyyar, Thiruvannamalai District.

2. Dhinesh Kumar

....

Respondents

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.16 of 2019 on the file of the Judicial Magistrate Court, Cheyyar, Thiruvannamalai District and quash the same.

For Petitioner

: Mr.P.Pugalenth

For R1

: Mr.A.Gopinath
Government Advocate (Crl.Side)

For R2

: No Appearance



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.16 of 2019 on the file of the Judicial Magistrate, Cheyyar, Thiruvannamalai.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

3. The case of the prosecution is that during the year 2015, the petitioner was working as a Revenue Assistant in the Tahsildar Office, Cheyyar. On 30.10.2015, when the petitioner was returning from her office along with her husband, the second respondent had raised voice signs against the petitioner and also abused them. Therefore, the petitioner lodged a complaint and the same has been registered in Crime No.635 of 2015 for the offence under Sections 3(1) w(ii), 3(1)(26) and 3(2)(va) of SC/ST Act. For the very same occurrence, the second respondent lodged another complaint, that too on 31.10.2015, at about 10.00a.m. the petitioner, along with her husband, attacked the second respondent. On the said complaint, the first respondent registered a FIR in Crime No.636 of 2015 for the offence under Sections 294(b), 323, 324 and 506(2) of IPC and Section 4 of Women Harassment Act. After



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completion of investigation, final report was filed and the same has been taken cognizance in C.C.No.16 of 2019 on the file of the Judicial Magistrate, Cheyyar, Thiruvannamalai, for the offence under Sections 294(b), 323 and 506(ii) of IPC.

4. In the first complaint lodged by the petitioner, investigation has been completed and final report was filed and the same has been taken cognizance in Special S.C.No.84 of 2019, which is pending on the file of the Special Court for SC/SC Cases, Tiruvannamalai. Even according to the second respondent, the alleged occurrence had taken place on 30.10.2015, whereas, the complaint was lodged only on 31.10.2015. On the other hand for the said occurrence dated 30.10.2015, the petitioner herein lodged complaint as against the second respondent and the same has been registered in Crime No.635 of 2015. Therefore, the present complaint is a counter complaint in order to escape from the clutches of the first complaint lodged by the petitioner herein.

5. That apart, there is no evidence to support the allegations made by the second respondent, though the Doctor was examined, who deposed that the injury sustained by the second respondent is simple in nature. That apart, he did not even mention about the injury which is placed on the second respondent. Therefore, the second complaint itself



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is false one and in order to escape from the first complaint lodged by the petitioner herein in Crime No.635 of 2015, the present complaint has been lodged. Further, the petitioner is working as a Revenue Assistant in the Tahsildar Office, Cheyyar. A false complaint has been foisted as against the petitioner and others. Now, the second respondent is facing trial in Special S.C.No.84 of 2019. Hence, the impugned proceeding is lodged not only as against the petitioner but also against the first accused. Therefore the entire proceedings is liable to be quashed.

6. In view of the above discussions, the proceedings in C.C.No.16 of 2019 on the file of the Judicial Magistrate Court, Cheyyar, Thiruvannamalai, is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

28.11.2023

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Index:Yes/No
Internet:Yes/No



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To

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- 1.The Judicial Magistrate Court, Cheyyar,
Thiruvannamalai District.
- 2.The Sub Inspector of Police,
Cheyyar Police Station,
Cheyyar, Thiruvannamalai District.
- 3.The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN,J.

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