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CrI.OP.No.1471 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.1471 of 2023

and

CrI.M.P.No.822 of 2023

E.Kandan

... Petitioner

Vs.

1.The State by

The Inspector of Police,
Periyathatchur Police Station,
Villupuram District.
(Crime No.326 of 2018)

2.Revathi

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings/Charge sheet in C.C.No.2 of 2020 pending on the file of the Judicial Magistrate No.II, Tindivanam.

For Petitioners	: Mr.D.Ashokkumar
For R-1	: Mr.S.Santhosh
	Government Advocate (Criminal Side)
For R-2	: No appearance



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ORDER

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2. Learned counsel for the petitioner submitted that, the case in Crime No.326 of 2018 was registered against the petitioner for the offences under Sections 294(b) and 506(ii) of IPC by Periyathatchur Police Station, as a counter blast to the complaint given by the petitioner against one Jayaraj and four others, including the husband of the 2nd respondent Sakthivel. Though the complaint by the petitioner was given on 14.07.2018, the respondent police registered the First Information Report only on 28.07.2018, for the offences under Sections 147, 341, 294(b), 426 and 506(ii) of IPC. The complaint allegations and statement of witnesses recorded in C.C.No.2 of 2020 do not disclose any offence for prosecuting the petitioner for the offences under Sections 294(b), 506(ii) of IPC. Respondent Police has not seized the cell phone said to have been used by the petitioner and 2nd respondent. Thus, the petitioner



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prays for quashing the proceedings/Charge sheet in C.C.No.2 of 2020 pending on the file of the Judicial Magistrate No.II, Tindivanam.

3. Learned Government Advocate (Criminal side) submitted that, the complaint allegations are supported by the statement of defacto complainant and her husband, which is enough for framing charges against the petitioner for the offences under Sections 294(b) and 506(ii) of IPC. Thus, he prays for dismissal of the petition.

4. Heard the rival submissions and perused the records.

5. It is seen from the complaint allegations in Crime No.326 of 2018 that 2nd respondent made allegations against the petitioner stating that, for the past one year, petitioner had been contacting the 2nd respondent through cell phone of her husband and speaking with her in vulgar and abusive words. He also visited the 2nd respondent's house and spoke in a filthy language, by standing in front of the house. He threatened to kill the 2nd respondent's parents. There was a threaten



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to kidnap and rape the two daughters's of the 2nd respondent. Due to the act of the petitioner, 2nd respondent made an attempt to commit suicide. Now, she is living at Thiruvakur. Petitioner is sending obscene pictures about the 2nd respondent. In the said circumstances, the complaint was given. The respondent police after investigation filed a final report against the petitioner for the offences under Sections 294(b) and 506(ii) of IPC. The reading of the statement of the defacto complainant and her husband shows that they reiterated the complaint allegations.

6. It is true that, there is a case in Crime No.329 of 2018 was registered on the basis of the complaint given by the petitioner against Jayaraj and four others including the 2nd respondent Sakthivel. It relates to a different incident. The points raised by the learned counsel for the petitioner are disputed facts. These disputed facts cannot be considered by this Court. The First Information Report allegations and statement of witnesses make out a *prima facie* case for framing charges against the petitioner for the offences under Section 294(b) and 506(ii) of IPC.



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7. In such view of the matter, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed.

25.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

gd

To

1.The Judicial Magistrate No.II,
Tindivanam.

2.The Inspector of Police,
Periyathatchur Police Station,
Villupuram District.

3.The Public Prosecutor,
Madras High Court.

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G.CHANDRASEKHARAN,J.
gd

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