



Crl.OP.No.1386 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1386 of 2023

and

Crl.M.P.No.791 of 2023

1.Asothai

2.Jothi

... Petitioners

Vs.

1. The State Rep by,
The Sub-Inspector of Police,
Elavanasoorkottai,
Kallakurichi District.

2. Unnamalai

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No.57 of 2022 on the file of the 1st Respondent and quash the same.

For Petitioners : Mr.R.Rajarajan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.57 of 2022 on the file of the 1st Respondent and quash the same.

2. The learned counsel for the petitioners submitted that petitioners are accused in Crime No.57 of 2022 registered for the offence under Sections 147, 148, 341, 294(b), 323, 324, 506(2) of IPC and Section 4 of TN Prohibition of Harassment of Women Act. He further submitted that the certified copy of the complaint obtained by the petitioners from the Judicial Magistrate shows that the complaint is dated 02.02.2022. However, the FIR shows that the complaint was given on 06.03.2022. He further submitted that there is no material filed to show that the victim sustained injuries. For these reasons, learned counsel for the petitioners seeks quashing the FIR.

3. In response, learned Government Advocate (Crl. Side) submitted that date of the complaint is 02.02.2022. Instead of 02.02.2022, it was wrongly printed as 02.03.2022. In support of submissions, he also produced the CSR registered in this case. CSR Number is also referred in the FIR as 134 of 2022. He further submitted that during the course of the investigation, wound



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certificate of Unnamalai, Thirumalai and Jothi had been obtained. Thus, prays
for dismissal of the petition.

4. Considered the rival submissions and perused the records. From the consideration of the materials produce in this Court, especially the records relating to the CSR enquiry in C.S.R.No.134 of 2022 makes it clear that the complaint in Crime No.57 of 2022 was given on 02.02.2022. However, it was wrongly printed in the FIR as 02.03.2022 instead of 02.02.2022. This Court on going through the FIR finds that specific allegations are made out against the petitioners. It is alleged that the petitioners have beaten the defacto complainant ad her daughter Kavitha with wooden log. The copy of the Accident Register is also produced for perusal of this Court. That apart, it is also seen that there is a case in Crime No.56 of 2022 registered against Kumar and 5 others on the basis of the complaint given by Yasodha for the offence under Sections 147, 148, 341, 294(b), 323, 324, 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. FIR allegations made in Crime No.57 of 2022 clearly makes out cognizable offences against the petitioners. Therefore, this Court finds that there is no merits in this petition for quashing the FIR in Crime No.57 of 2022.



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5. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

24.01.2023

Sma

To

1. The Sub-Inspector of Police,
Elavanasoorkottai,
Kallakurichi District.
2. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

Sma

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