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Crl.O.P.No.2550 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2550 of 2023

&

Crl.M.P.Nos.1427 & 1429 of 2023

1.N.RajaKumar
2.M.V.Natarajan
3.M.Sampooram
4.Rajalakshmi

... Petitioners

Vs.

1.State by Inspector of Police,(LSO)
V4. Rajamangalam Police Station,
Kolathur, Chennai-99.
(Crime No.510/2022)

2.K.Latha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.11928 of 2022, on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai and quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.K.Nirmalkumar

For Respondents : Mr.S.Santhosh (for R1)
Government Advocate (Crl. Side)
No Appearance (for R2)



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ORDER

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2. Learned counsel for the petitioners submitted that the complaint and final report allegations did not make out a case for prosecution of the petitioners for the offences under Sections 294(b), 427, 323 and 506(2) of IPC. There is no specific allegations made against the petitioners and the allegations are general and omnibus allegations. It is seen that there is a case and counter case given by the parties against each other. The incident is said to have happened on 26.05.2022 but the First Information Report was registered only on 08.06.2022. Thus, there is a delay in giving the complaint and registration of First Information Report. For these reasons, the learned counsel for the petitioner prays for quashing of the case in C.C.No.11928 of 2022 pending on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai.

3. In response, learned Government Advocate (Crl.side) submitted that after investigation, final report was filed. The case was taken cognizance in C.C.No.11928 of 2022 by the XIII Metropolitan Magistrate Court, Egmore,



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Chennai. Out of 7 witnesses stated by the prosecution, all the 7 witnesses have been examined. Therefore, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records. It is seen from the First Information Report allegations that the *de-facto* complainant had given a complaint against her husband and his family members for harassing her and her daughter. It is alleged that her husband has some illicit relationship with one Latha Balaji. As per the instructions of Latha Balaji, her husband was harassing the *de-facto* complainant and her daughter. There is a case in C.C.No.02 of 2022 pending. On 26.05.2022, her husband came to her and asked her to withdraw the case after receiving the money given by him else he threatened her that he would not know what he would do. He asked her to remove the waste from the back-yard. The *de-facto* complainant told him that she would do that in the morning. Then he had broken the statue of the God and other pooja articles, fish tank and plants. He strangled her. His father Natrajan tried to kill her with mathu and he also attacked her daughter. Her husband's mother and sister instigated her husband and scolded her in filthy language and photographed the incident. Therefore, she gave a complaint. On the basis of the complaint, First Information Report in Crime No.510 of 2022 for the offences under Sections 294(b), 427, 323 and 506(2)



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of IPC was registered. After investigation, the respondent filed a final report against the petitioners under the same provisions. The prosecution has cited *de-facto* complainant as 1st witness and 2nd witness Samyuktha is cited as eye-witness to the incident. There are other witnesses for observation mahazar, hearsay witness, expert witness and investigating officer. The *de-facto* complainant had reiterated the complaint allegations in her statement. Her daughter Samyuktha, eye-witness to the incident had also supported the statement of the *de-facto* complainant.

5. Therefore, this court finds that there are materials available to frame charges against the petitioner under appropriate provisions of law and to proceed with the trial. As per the submissions of the learned Government Advocate (Crl.side), now examination of all the witnesses is over. Therefore, this Court is of the view that the prayer for quashment of the C.C.No.11928 of 2022, on the file of the XIII Metropolitan Magistrate Court, Egmore, Chennai cannot be entertained. It is open to the petitioners to take all the defence now taken before the trial court. The trial court is directed to dispose the case without being influenced by any of the observations made above.

6. Accordingly, this Criminal Original petition is dismissed.



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Consequently, connected miscellaneous petitions are closed.

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Internet:Yes/No

Index:Yes/No

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To:

- 1.The Inspector of Police,(LSO)
V4. Rajamangalam Police Station,
Kolathur, Chennai-99.
- 2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
mpl

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