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Crl.O.P.Nos.3634 & 25214 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

Crl.O.P.Nos.3634 & 25214 of 2021

and

Crl.M.P.Nos.2154,13951 & 13953 of 2021

Crl.O.P.No.3634 of 2021:

Mrs.V.Sumathi

... Petitioner

Vs.

1. State Represented by,
The Inspector of Police,
J5-Sashtri Nagar Police Station,
Chennai – 600 020.
(Crime No:833 of 2019)

2. Durai

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to C.C.No.97 of 2021 on the file of the IX Metropolitan Magistrate Court at Saidapet and Quash the same as illegal, incompetent and abuse of process by allowing this Criminal Original Petition.



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For Petitioner : M/s.T.Sibi
for M/s.A.Rajeswari Karthikeyan
For Respondents :
For R1 : S.Balaji
Government Advocate (Crl.Side)
For R2 : No appearance

Crl.O.P.No.25214 of 2021:

Mr.Velmurugan

... Petitioner

Vs.

1. State Represented by,
The Inspector of Police,
J5-Sashtri Nagar Police Station,
Chennai – 600 020.
(Crime No:833 of 2019)

2. Durai

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to C.C.No.97 of 2021 on the file of the IX Metropolitan Magistrate Court at Saidapet and Quash the same as illegal, incompetent and abuse of process by allowing this Criminal Original Petition.

For Petitioner : M/s.M.Jaikumar
For Respondents :
For R1 : S.Balaji
Government Advocate (Crl.Side)
For R2 : No appearance



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COMMON ORDER

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These Criminal Original Petitions have been filed to call for the records and to quash the proceedings as against the petitioners in C.C.No.97 of 2021 for the offences punishable under Sections 341, 294(b), 324 and 506(ii) of I.P.C, pending on the file of the learned IX Metropolitan Magistrate Court, Saidapet.

2. It is alleged in the final report that the petitioners namely Mr.Velmurugan in CrI.O.P.No.25214 of 2021 and Mrs.Sumathi in CrI.O.P.No.3624 of 2021 who are husband and wife had attacked the second respondent / defacto complainant and others with hands and sticks/wooden logs and abused them in filthy language and further threatened them with dire consequences.

3. The learned counsel for the petitioners would submit that the second respondent / defacto complainant had given a false complaint against the petitioners only after the petitioner in CrI.O.P.No.3624 of 2021 (Mrs.Sumathi) had given a complaint against the second respondent and others in Crime No.832 of 2019 for the alleged offences punishable under Sections 341,



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294 (b), 323, 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The allegations in the complaint are false and hence, the petitioners prayed for quashing of the impugned final report.

4. The learned Government Advocate (Crl.Side) for the first respondent police would submit that the petitioner's complaint was also investigated and final report was filed in C.C.No.2152 of 2020. In view of the stay granted by this Court there is no progress in the trial in both cases.

5. Heard the learned counsels for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent.

6. This Court finds that the points raised by the petitioners that the allegations in the complaint are false and is a counter blast to the complaint given by the petitioner in Crl.O.P.No.3624 of 2021 (Mrs.Sumathi), has to be adjudicated only before the Trial Court. It is also seen that upon the complaint given by the petitioner in Crl.O.P.No.3624 of 2021 (Mrs.Sumathi), a charge sheet was filed in C.C.No.2152 of 2022 and the same is pending on the file of the same learned Metropolitan Magistrate, Saidapet. Therefore, it would be



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appropriate if the learned IX Metropolitan Magistrate, Saidapet is directed to conduct the Trial in C.C.No.2125 of 2022 and C.C.No.97 of 2021 simultaneously and render the Judgement on the same day.

7. Hence this Court is not inclined to entertain this quash petition. Accordingly these Criminal Original Petitions stand dismissed. However, the appearance of the petitioners before the Trial Court is dispensed with unless the learned Magistrate considers their presence necessary for the progress of the Trial. Consequently, connected miscellaneous petitions are closed.

10.04.2023

Speaking Order / Non-Speaking Order
Neutral Citation: Yes / No
rgm

SUNDER MOHAN, J



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rgm

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To

1. The IX Metropolitan Magistrate Court,
Saidpet.

2. The Inspector of Police,
J5-Sashtri Nagar Police Station,
Chennai – 600 020.
(Crime No:833 of 2019)

3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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and
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