



WEB COPY



Crl.OP.No.5785 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5785 of 2023

and

Crl.M.P.Nos.3615 & 3617 of 2023

1. Thiyaneshwaran

2.Parvathi

... Petitioners

Vs.

1. The State Represented by,
The Sub Inspector of Police,
Erode Taluk Police Station,
Erode District.

2. Ragupathi

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.01 of 2023 on the file of the learned Additional Mahila Court (Magisterial Level), Erode and quash the same.

For Petitioners

: Mr.R.Prabakar

For Respondent

: Mr.S.Santhosh

Government Advocate(Crl.side)



Crl.OP.No.5785 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed to call for the records relating to C.C.No.01 of 2023 on the file of the learned Additional Mahila Court (Magisterial Level), Erode and quash the same.

2. The learned counsel for the petitioners submitted that petitioners and accused are close relative and there is a property dispute between them. For which, civil suit is pending before the City Civil Court, Erode. When that be the case, on 28.05.2022, at about 8.15 hrs., accused in Crime No.187 of 2022 abused the petitioners and his family members and beaten them and also made criminal intimidation against the petitioner. The opposite party gave a complaint before the Erode Taluk Police Station against the petitioner. For which, FIR in Crime No.188 of 2022 was registered for the offence under Sections 294(b), 323, 324, 448, 506(2) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002. The incident in Crime No.188 of 2022 said to have happened at about 8.25 hrs on 28.05.2022. He further submitted that, respondent police had filed final report in Crime No.188 of 2022 and not filed final report in Crime No.187 of 2022, therefore, this petition.



Crl.OP.No.5785 of 2023

3. In response, learned Government Advocate (Crl. Side) submitted that final report was filed in Crime No.187 of 2022 and it was not taken cognizance and appropriate steps would be taken for taking cognizance in Crime No.187 of 2022.

4. From the perusal of the allegations made in both the FIR's, it appears that, parties had indulged in violence and exchanged blows and also made criminal intimidation in connection with property dispute. FIR allegations in Crime No.188 of 2022 make out cognizable offences and the FIR allegations are supported by statement of witnesses, medical evidence and therefore, prayer for quashment of the proceedings in C.C.No.01 of 2023 on the file of the learned Additional Mahila Court (Magisterial Level), Erode cannot be entertained.

5. Accordingly, this Criminal Original Petition is disposed giving direction to the respondent police to ensure that, final report filed in Crime No.187 of 2022 is taken on file by the learned Judicial Magistrate 1, Erode. Consequently, connected miscellaneous petitions are closed.

14.03.2023

Index : Yes / No

Speaking / Non Speaking order

Sma

G.CHANDRASEKHARAN,J.



Crl.OP.No.5785 of 2023

Sma

WEB COPY

- To
1. Judicial Magistrate I,
Erode.
 2. The Sub Inspector of Police,
Erode Taluk Police Station,
Erode District.
 3. The Public Prosecutor,
High Court of Madras, Chennai.

Crl.O.P.No.5785 of 2023

14.03.2023