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Crl.O.P.No.6097 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.04.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6097 of 2021

and

Crl.M.P.Nos.4010 and 4011 of 2021

- 1.B.Geethalakshmi
- 2.S.K.Balamanickam
- 3.B.Gokulakannan
- 4.K.Nagamanickam
- 5.N.Ganesan
- 6.M.Jagatheesan
- 7.Suseela
- 8.Vairamanickam
- 9.Kanakamani
- 10.S.K.Shanmugam
- 11.S.N.Krishnamoorthy
- 12.S.M.Shanmugasundaram
- 13.Ramakrishnan
- 14.V.Murugesan

...Petitioners/Accused Nos. 1 to 14

Vs.



1.The State rep. by
The Inspector of Police
Sathyamangalam Police Station,
Crime No.215 of 2017
Erode District.

2.S.N.Ravi

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the case in C.C.No.15 of 2020 pending for trial on the file of the learned Judicial Magistrate, Sathyamangalam quash the same.

For Petitioners : M/s.N.Manoharan

For R1 : Mr.A.Damodaran

Additional Public Prosecutor

For R2 : Mr. Karthick

for Mr.I.C.Vasudevan

ORDER

The petition is to quash the final report on the file of the learned Judicial Magistrate, Sathyamangalam for the alleged offences under Sections 147, 148, 427, 294 (b), 506 (ii), 448, 342, 323, 326 IPC & 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.



2. It is alleged in the final report that the petitioners had attacked the defacto complainant/2nd respondent on 08.09.2016 and abused him in filthy language.

3. Mr. N.Manoharan, the learned counsel for the petitioners submitted that the first petitioner is the wife of the second respondent; that the matrimonial dispute is sought to be projected as a criminal case; and that the second respondent had also filed a suit against the relatives of the first petitioner for permanent injunction and the said suit was also dismissed; and that suppressing all these facts, the impugned final report was filed by the first respondent.

4. Mr.Karthick, the learned counsel for the second respondent and Mr.A.Damodaran, the learned Additional Public Prosecutor, submitted that there are allegations in the impugned final report suggesting that the offence alleged against the petitioners are made out. The learned counsel further submitted that the Doctor who examined the second respondent stated about treatment given to the second respondent. The question as to whether the allegations are true has to be adjudicated only before the Trial Court.



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5. This Court finds that the allegations in the final report and materials filed in support of the final report show that the second respondent was injured. The question as to whether the petitioners were the cause of the said injury or not is a matter which has to be adjudicated only before the Trial Court. As regards the submission that the proceedings are malafide, this Court is of the view that the said question cannot be gone into in this quash petition as this Court cannot conduct a mini-trial to ascertain the truth. Hence, this Court is not inclined to quash this petition. However, the petitioners are at liberty to raise all points before the Trial Court. Since most of the petitioners are ladies, their appearance before the trial Court is dispensed with unless the trial Court considers the petitioners' appearance necessary for the progress of the trial.

6. Accordingly, the Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

19.04.2023

dk

NCC: Yes/No

Index: Yes/No

Speaking/Non Speaking Order



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To

1. The Judicial Magistrate,
Sathyamangalam

2.The Inspector of Police
Sathyamangalam Police Station,
Erode District.



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SUNDER MOHAN. J,
dk

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