



Crl.O.P.No.6640 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6640 of 2023 and
Crl.M.P.No.4171 of 2023

1.Kathirvel

2.Sathiyabama

...Petitioners

Vs

1.The State Rep by its,
The Inspector of Police,
Karamadi Police Station,
Coimbatore,
(Crime No.326 of 2022)

2.Devi

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the records in Crime No.326 of 2022 on the file of 1st respondent
Police and quash the same.

For Petitioner : Mr.K.Myilsamy
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)



Crl.O.P.No.6640 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.326 of 2022 on the file of 1st respondent Police and quash the same.

2.The learned counsel for the petitioners submitted that petitioners are falsely implicated in Cr.No.326 of 2022 registered for the offences under Section 447, 323 and 506 (2) I.P.C. and Section 4 of TN Prohibition of harassment of Women Act, 2002, by Karamadai Police Station. There is a huge delay in giving the complaint. There are material contradictions in the allegations made in the complaint and averments made in maintenance case. In the maintenance case, the defacto-complainant claims herself as a widow and the first petitioner as a widower. On the other hand, in the complaint she alleged that first petitioner is her husband and second petitioner as his wife. He further submitted that a woman cannot be prosecuted for offence under Section 4 of TN Prohibition of harassment of Women Act, 2002. Therefore, he prayed for quashing of the complaint.

3.In response, the learned Government Advocate (Criminal side)



Crl.O.P.No.6640 of 2023

submitted that on the basis of complaint given by Devi, investigation in Cr.No.326 of 2022 is pending and final report would be filed soon. The accident register copy of the defacto-complainant shows that she suffered injuries.

4.Considered the rival submissions and perused the records.

5.It is seen from the First Information Report allegations that second respondent/defacto-complainant had illegal affair with first petitioner and they got married. As a result, she delivered male child on 23.12.2016 and his name is Rajaguru. She was living with first petitioner at Karamadai. Due to corona, she was living with her father. On 11.02.2021 at about 7.a.m. accused and one unidentified man and women criminally trespassed into the house and started attacking her indiscriminately. When her father interfered, he also was attacked. Accused Kathirvel and Sathyabama forced her to sign in blank bond paper. The persons came with them made death threat stating that they would kill them with knife. Therefore, the complaint came to be given. The complaint allegations clearly make out commission of cognizable offence against the petitioners. The other points canvassed by the learned counsel for the petitioners have to be considered in the course of trial and not now. The copy of



Crl.O.P.No.6640 of 2023

accident register shows that second respondent/defacto-complainant suffered injuries. Thus, when there is a material to show the commission of cognizable offences by the petitioners, this Court cannot entertain the prayer for quashment of proceedings in Crime No.326 of 2022 on the file of 1st respondent Police.

6.With the above direction and observation, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

24.03.2023

Index:Yes/No

Speaking/Non speaking order

ep



WEB COPY



CrI.O.P.No.6640 of 2023

To:-

The Inspector of Police,
Karamadi Police Station,
Coimbatore,



WEB COPY



Crl.O.P.No.6640 of 2023

G.CHANDRASEKHARAN.J.,

ep

Crl.O.P.No.6640 of 2023 and
Crl.M.P.No.4171 of 2023

24.03.2023