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CrI.O.P.No.8041 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.8041 of 2021
and
CrI.M.P.Nos.5280 & 5281 of 2021

Mrs.Malarvizhi @ Malar

... Petitioner

Vs.

1.State rep. by its
The Sub-Inspector of Police,
Chengalpattu Town Police Station,
Kancheepuram

2.Mrs.Sasikala

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records in CC.No.68/2021 pending on the file of Additional Mahila Court, Chengalpattu and quash the same as illegal and without jurisdiction.

For Petitioner : M/s.I.Abdul Basith

For Respondent : Mr.A.Damodaran, Addl. Public Prosecutor [R.1]

: No Appearance [R.2]



ORDER

The petition is to quash the final report filed for the alleged offences under Sections 294(b), 323, 354, 427& 506(i) of IPC.

2. It is alleged in the final report that the de facto complainant and the 1st accused are husband and wife; that the petitioner had illicit relationship with the 1st accused; that when the de facto complainant questioned about the same, the 1st accused and the petitioner had abused her in filthy language and also caused hurt besides threatening with dire consequences.

3. The learned counsel for the petitioner would submit that in a dispute between husband and wife, the petitioner is sought to be roped in unnecessarily. The 2nd respondent has falsely implicated the petitioner only to wreak vengeance on the 1st accused. The materials filed along with the final report would show that the case is false.

4. This Court is of the view that the points raised by the petitioner are factual in nature and can be adjudicated only before the Trial Court. Hence, this Court is not inclined to entertain this quash petition. However, the



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petitioner is at liberty to raise all the points before the Trial Court and the Trial Court shall consider the same on its merits.

5. With the above observations, the Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

6. Since the petitioner is a lady and has two children, this Court dispenses with the personal appearance of the petitioner before the Trial Court, unless the learned Judicial Magistrate deems her presence necessary for the progress of the trial.

12.06.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
shr

To.

1. The Inspector of Police,
Chengalpattu Town Police Station,
Kancheepuram
2. The Additional Mahila Court, Chengalpattu.



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SUNDER MOHAN. J,

shr

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