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Crl.O.P.No.9127 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.04.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.9127 of 2023
and
Crl.M.P.Nos.5858 and 5859 of 2023

1. M.Jayam
2. M.Revathi

...Petitioners

Vs.

1. The State
represented by the Sub Inspector of Police,
Kunnam Police Station,
Perambalur District.

2. Kalaimathi ...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the Proceedings in STC.100 of 2021 on the file of the Additional Mahila Court, Perambalur, for the alleged offences under Sections 294(b), 323 of IPC and quash the same.

For Petitioners : M/s.Usha Ramman

For Respondents

R1 : Mr.S.Santhosh
Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition has been filed calling for the records of the Proceedings in STC.100 of 2021 on the file of the Additional Mahila Court, Perambalur, for the alleged offences under Sections 294(b), 323 of IPC and to quash the same.

2. It is the submission of the learned counsel for the petitioners that the petitioners are the accused in S.T.C.No.100 of 2021, on the file of the Additional Mahila Court, Perambalur. There are material contradictions in the statement of witnesses with regard to the manner in which the alleged offence has been committed and the nature of the injuries sustained by the victim. There is a previous enmity between the parties and as a result, a false complaint was given. Originally, the complaint was registered for the offences under Sections 294(b), 324, 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. During the investigation it was found that some of the allegations are not true. Therefore, the respondent Police filed an alteration report altering the Sections to 294(b)



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and 323 of IPC alone. Thus, the learned counsel for the petitioners prays for quashment of the proceedings.

3. In response, the learned Government Advocate (Crl.side) appearing for the first respondent submitted that the statement of witnesses and the medical records justify filing of final report for the offences under Sections 294(b) and 323 of IPC. Thus, the case requires trial and prayed for dismissal of this petition.

4. Considered the rival submissions and perused the records.

5. It is seen from the FIR allegations that there is a previous enmity between the accused and the defacto complainant in connection with lane between their house. On 15.07.2020, at about 04.30 p.m, when the defacto complainant was sitting in her house, the accused came to her house and scolded her in filthy language and beaten her with hands and stones. The accused also made criminal intimation. On that basis, a complaint was given



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and FIR was registered for the offences under Sections 294(b), 324, 506(ii)

IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

Subsequently, during the course of investigation, the respondent Police altered the offences under Sections 294(b) and 323 of IPC. The statement of witnesses confirms the allegations made in the complaint and FIR.

6. The Accident Register shows that the defacto complaint suffered the following injuries:-

- “ 1. Laceration 0.5*0.5*0.5 cm with fresh blood, right arm.
- 2. Abrasion 0.5*0.5 cm, left middle finger.
- 3. Abrasion 0.5*0.5 cm, left middle finger.”

7. It is seen from the records produced that there is a *prima facie* material available for trial of the offences under Sections 294(b) and 323 of IPC. It is the submission of the learned counsel for the petitioners that there is a delay of five days in giving the complaint. It is a matter to be agitated before the Trial Court, if the petitioners are really aggrieved and prejudiced by the delay.



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8. In this view of the matter, this Court finds no merits in the prayer seeking quashment of the proceedings in STC.100 of 2021 on the file of the Additional Mahila Court, Perambalur and it cannot be entertained. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

25.04.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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G.CHANDRASEKHARAN.J.,

mn

To

1. The Additional Mahila Court, Perambalur.
2. The Sub Inspector of Police,
Kunnam Police Station,
Perambalur District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.9127 of 2023
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