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CrI.O.P.No.17093 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

CrI.O.P.No.17093 of 2021

1. A.Sivakumar
2. A.Sampath
3. S.Tamilarasan
4. Ms.Vijaya

... Petitioners

Vs.

1. State Represented by,
The Inspector of Police,
N.P.Petral PS,
(Cr.No.137 of 2019)

2. Indira

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to quash the charge sheet in C.C.No.309 of 2020 (on the file of the Judicial Magistrate of Gingee Villupuram District in case Cr.No.137 of 2019, (on the file of SHG, N.P.Petral Police Station, Villupuram District).



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For Petitioner : Mr.K.P.Chandrasekaran
For Respondents :
For R1 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The petition is to quash the final report for the alleged offences punishable under Sections 294 (b), 323, 506 (2), 326 of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

2. Mr.K.P.Chandrasekaran, learned counsel for the petitioners would submit that a civil dispute between the neighbours is sought to be projected as a case of quarrel and women harassment. The third petitioner's father name is wrongly mentioned and it is a case of mistake of identity. That apart, he submitted that the respondent had acted in a biased manner.

3. Mr. A. Damodaran, learned Additional Public Prosecutor appearing on behalf of the first respondent would submit that there are allegations attracting the offences and this has to be adjudicated only before the Trial Court. Hence, he prayed for the dismissal of the quash petition.



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4. This Court is of the view that the points raised by the petitioners are factual in nature and it cannot be decided in the instant quash petition. Hence, this Court is not inclined to entertain this quash petition. However, the petitioners are at liberty to raise all the points before the Trial Court. The learned Judicial Magistrate, Gingee, Villupuram may expedite the trial and complete it preferably within a period of three (3) months from the date of receipt of a copy of this order.

5. Since the fourth petitioner is an aged person, the personal appearance of the fourth petitioner is dispensed with unless the learned Magistrate considers her presence necessary for the progress of the trial.

6. With the above observations, this Criminal Original Petition stands dismissed.

21.06.2023

Speaking Order / Non-Speaking Order
Neutral Citation: Yes / No
rgm



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SUNDER MOHAN, J

rgm

To

1.The Judicial Magistrate of Gingee Villupuram District.

2.The Public Prosecutor
High Court of Madras
Chennai – 600 104.

3.The Inspector of Police,
N.P.Petral PS.

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