



CrI.O.P.No. 23151 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No. 23151 of 2019

and

CrI.M.P.No.12154 of 2019

Dr.Senthamizh Selvan

.... Petitioner

Vs

1. The Inspector of Police,
Vandavasi South Police Station,
Vandavasi,
Thiruvannamalai District.
(Cr.No.101/2024)

2. Anjali Devi

.... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the case in S.C.No.2 of 2018 pending trial on the file of the Additional District and Sessions Court (FTC) at Arni, Thiruvannamalai District and quash the same.

For Petitioner	: Mr.K.G.Senthil Kumar
For R1	: Mr.L.Baskaran Government Advocate (CrI.Side)
For R2	: Mr.M.Mariappan for Mr.G.Ramakrishnan

ORDER



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This Criminal Original Petition has been filed to quash the proceedings in S.C.No.2 of 2018 on the file of the Additional District and Sessions Court (FTC), Arni, Thiruvannamalai District.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The case of the prosecution is that on 01.03.2014 at about 11.15 hours, the accused entered into the house of the second respondent in order to cause damages to the articles. When it was questioned by the second respondent, the petitioner attacked her with brick and also scolded in filthy language and abused her. Hence, the complaint.

4. On receipt of the complaint, the first respondent registered an FIR in Crime No.101 of 2014 for the offences under Sections 294(b), 323 of IPC read with Section 3 of TNPPDL Act.

5. The petitioner is none other than the own son-in-law of the second respondent, having got married to her daughter on 27.01.2008.



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They gave birth to a male child on 05.12.2011. However, there was misunderstanding between both of them. On the date of the alleged occurrence, i.e., on 01.03.2014, the daughter of the second respondent called the petitioner to visit her son. Therefore, the petitioner went to the house of the second respondent. However, he was not allowed to enter into the house. Thereafter, there was a wordy altercation and during such altercation, the second respondent and all her relatives attacked the petitioner. In order to escape from the attack, the petitioner pulled them. In fact, the petitioner also sustained injuries. However, he, being a Doctor, treated himself in his clinic.

6. For the said occurrence, the petitioner also lodged a complaint and he was not even issued a C.S.R. Therefore, the petitioner lodged a complaint before the Superintendent of Police, Thiruvannamalai to register his complaint dated 01.03.2014. No action was taken back and as such, he was constrained to file a private complaint in Crl.M.P.No.1856 of 2014 before the Judicial Magistrate, Vandavasi. As directed by the Judicial Magistrate, Vandavasi, the first respondent registered an FIR in Crime No.208 of 2014 for the offences under Sections 147, 148, 427, 294(b), 324, 440 and 506(ii) of IPC as against



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the second respondent and eight others. Thereafter, the same was closed as “Further Action Dropped”. In fact the petitioner also sustained injuries and there is no whisper about the registration of the FIR and the injuries sustained by the petitioner in the present impugned proceedings in S.C.No.2 of 2018.

7. A perusal of the statement recorded under Section 161 of Cr.P.C. reveals that the petitioner had no motive to enter into the house, that too, in order to cause damages to the articles. Admittedly, the petitioner got married the daughter of the second respondent and gave birth to a male child. When the alleged date of occurrence, the wife of the petitioner was very much present in the house. It is also seen that the petitioner filed a petition in H.M.O.P.No.25 of 2014 before the Sub Court, Cheyyar, for restitution of conjugal rights. He also filed Guardian Original Petition for taking custody of his minor son in GWOP No.11 of 2014. However, the daughter of the second respondent filed divorce petition which was granted in her favour. Therefore, the entire proceedings is nothing but a clear abuse of process of law and it is liable to be quashed.



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8. In view of the above, the proceedings in S.C.No.2 of 2018 pending on the file of the Additional District and Sessions Court (FTC) at Arni, Thiruvannamalai District, is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

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Internet: Yes

Index : Yes/No

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To

1. The Additional District and Sessions Court (FTC),
Arni, Thiruvannamalai District.

2. The Inspector of Police,
Vandavasi South Police Station,
Vandavasi,
Thiruvannamalai District.

3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN. J.

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