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CrI.O.P.No.27605 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.27605 of 2022

and

CrI.M.P. No.16962 of 2022

1.Jayakodi

2.Tamilveni

3.Mary

... Petitioners

-VS-

1.State represented by
The Inspector of Police,
All Women Police Station,
Vadapalani, Chennai – 600 026.

2.Elizabeth Ramya

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in the FIR in Crime No.08 of 2022 dated 02.06.2022 pending on the file of 1st respondent herein and quash the same against the petitioners.

For Petitioner

: Ms.Kanimozhi Mathi



For Respondent No.1 :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The learned counsel for the petitioner states that the FIR has to be quashed, since there is no material against the petitioners to proceed against them for offence under Section 498A IPC. Further, she also submitted that the first petitioner is about 73 years age and ails as a cancer patient and there is no material to show that she was involved in the alleged offence under Section 498A IPC.

2. The learned Government Advocate (Crl.Side) submitted that on completion of investigation, final report was filed before the XXIII Metropolitan Magistrate, on 17.12.2023. However, due to some difficulties, it is not so far taken on file.

3. The learned Government Advocate (Crl.Side) also fairly submitted that in view of the medical condition of the first petitioner and the other facts, due consideration about her medical condition also been taken note in the final report and for the said reasons certain query been raised by the learned Magistrate before taking the final report on file.



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4. In view of the above facts, this Court holds that the points raised in the quash petition cannot be looked into at this stage under Section 482 Cr.P.C. On taking cognizance of the final report, if the petitioners are anyway aggrieved, then they are at liberty to approach this Court or raise the points before the trial Court itself before framing of charges.

5. With this observations, this original petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

23.11.2023

Internet : Yes/No
Index : Yes/No
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To

1.The Inspector of Police,
All Women Police Station,
Vadapalani, Chennai – 600 026.

2.The Public Prosecutor,
Madras High Court,
Madras.



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Dr.G.JAYACHANDRAN,J.

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