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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.27297 of 2019

And

Crl.M.P.Nos. 14484 & 14485 of 2019

1. V.Namachivayam
 2. N.Mennachi
 3. N.Rajalingam
 4. V.Saravanan
 5. S.Deivalingam
 6. V.Vinayagam
 7. V.E.Ramesh
- ... Petitioners/Accused 1 to7

Vs

1. State Rep. by
The Sub Inspector of Police
Kiliyanur Police Station,
Villupuram District – 604 102
 2. R.Sarasu
- ... Respondent/Complainant
- ...Respondent/Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No. 101 of 2018 against Crime No. 82 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Vanur, quash the proceedings therein.

For Petitioners : Mr.R.Subramanian



For 1st Respondent : Mr. A.Damodaran
Additional Public Prosecutor

ORDER

This Petition has been filed to quash the final report for offences punishable under Sections 147, 148, 294(b), 3232, 324, 326, 506(ii) of IPC read with Section 4 of the Porhibition of Harassment of Women Act 2002.

2. It is alleged that the petitioners had joined together and assaulted the defacto complainant indiscriminately.

3. The learned counsel for the petitioners would submit that the allegation of the defacto complainant is false. When the defacto complainant was examined by the Doctor, she had stated that she was attacked by two known neighbours. However, the defacto complainant had given a false complaint stating that all the petitioners had assaulted her. The petitioners are aged persons and the entire issue stems out of a civil dispute between the defacto complainant and the petitioners.



4. The learned Additional Public Prosecutor submitted that the allegations in the final report are supported by the documents filed along with it. The points raised by the petitioners has to be adjudicated only during trial and prayed for dismissal of the quash petition.

5. This Court finds that the points raised by the petitioners that the complaint by the second respondent is false and contrary to the Medicolegal examination report issued by the Hospital has to be adjudicated only during trial. Hence, this Court is not inclined to entertain the quash Petition.

6. In view of the same, this Criminal Original Petition is dismissed. However, since the petitioner Nos. 1, 2, 4 & 6 are aged persons, their appearance before the trial Court is dispensed with unless the learned Magistrate deems their presence necessary for the progress of the trial. Consequently, connected CrI.M.P.No. 14485 of 2019 is partly allowed in respect of the petitioner Nos. 1, 2, 4 & 6 and CrI.M.P.No. 14484 of 2019 is closed.

23.03.2023

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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SUNDER MOHAN. J.

vsg

To

1. District Munsif cum Judicial Magistrate, Vanur.
2. The Sub Inspector of Police
Kiliyanur Police Station,
Villupuram District – 604 102
3. The Public Prosecutor,
High Court, Madras.

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