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Crl.O.P.No.22484 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 06.10.2023

Pronounced on : 10.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22484 of 2023

and

Crl.M.P.No.15680 of 2023

1.Sowntharajan

2.Lakshmi

.. Petitioners/Accused No.2 and 3

/versus/

1.State rep by Inspector of Police

Walajapet Police Station,

Ranipet District.

.. Respondent/Complainant

2.Pommi

.. Respondent/Defacto
Complainant

Criminal Original Petition has been filed under Section 482 of Cr.PC., to call for records in C.C.No.155 of 2023 on the file of the learned Judicial Magistrate No.II, Walajapet, Ranipet District, to quash the same.

For Petitioner :Mr.G.Vinodhkumar

For Respondent :Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side) for R1



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ORDER

The petitioners are the second and third accused in C.C.No.155/2023 taken cognizance by the Judicial Magistrate No.II, Walajapet, Ranipet District, for offences under Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 and Sections 294(b), 323 and 506(1) of IPC. The defacto complainant is the daughter-in-law of these two petitioners. Due to matrimonial discord with her husband, the defacto complainant had left to her parents home three months ago and on 16/07/2023, when she returned to the matrimonial home along with her elder sister, her husband (Bharathpriyan-A1), her parents –in-law (A-2 and A-3 the petitioners herein) and her brother-in-law (Bharathi). abused her with obscene words and attacked her with hands causing simple injury. Her blouse was torn and she was driven out. Hence, complaint.

2. Based on the complaint, investigation taken up and the final report against A-1 to A-4 filed.

3. This petition is filed to quash the case on the ground that the these two petitioners are charged for offences under Sections 294 (b) IPC and 506(1) IPC. The overtact spoken by the witnesses for prosecution in the statement



under Section 161 does not disclose the necessary ingredients for framing charge under these Sections and try them. Referring the judgment of the Supreme Court rendered in ***Preeti Gupta and another –vs- State of Jharkhand and others on 13th August 2010***, submitted that it is a matrimonial dispute and exaggerated versions of small incident and overimplication had lead to the complaint and filing of final report. He also submitted that the petitioners are aged persons and to pressurise them to settle the dispute they are falsely implicated in the case. The statements of witnesses recorded during investigation referred by the learned counsel to buttress his submissions.

4. The complaint and statement of witnesses perused. The medical certificate given by the Doctor who treated the defacto complainant indicates the defacto complainant sustained simple injury. The relationship between the parties is accepted. The presence at the time of occurrence is also not denied. The statement of witnesses support the complaint and it is for the prosecution to prove it in the manner known to law. The complaint does not appears to be an exaggerated version, which the courts normally find in many other complaints arising from matrimonial disputes. The materials collected during investigation and placed before the Court is *prima facie* sufficient to frame charge and



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proceed. Hence, the judgment cited by the petitioners' counsel not applicable to the case in hand. Hence, this Criminal Original Petition to quash is dismissed.

Consequently, connected Miscellaneous Petition is closed.

10.10.2023

Index:yes/no

Speaking order/non speaking order
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To:

- 1.The Judicial Magistrate No.II, Walajapet, Ranipet District.
- 2.The Inspector of Police, Walajapet Police Station,
Ranipet District.
- 3.The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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