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Crl.O.P.No.30230 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No. 30230 of 2019

and

Crl.M.P. No. 16337 of 2019

1.D.Malar

2.D.Elam @ Elavarasi

3.D.Uma Maheswari

4.R.Manjula

5.S.Mumtaz

6.A.Sumathi

7.A.Sasikala

8.A.Savithri

9.M.Vijaya

10.V.Chandira

11.S.Shanthi

12.K.Saraswathi

... Petitioners



Crl.O.P.No.30230 of 2019

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Vs.

1.State: Rep by
The Inspector of Police (L & O)
K- 2, Ayanavaram Police Station,
Chennai – 600 023.

2.Govindamma

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records, quash the charge sheet in S.C.No.497 of 2018 on the file of the Hon'ble XVI Additional Sessions Court at Singaravelar Maligai, Chennai – 600 001.

For Petitioners : Mr. A.Balamurugan
for Mr. K.Kannan

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

For Respondent 2 : No Appearance.



Crl.O.P.No.30230 of 2019

ORDER

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The petition is to quash the final report for the alleged offences under Section 147, 148, 452 & 307 of IPC and Section 3 (1) of the Tamil Nadu Prevention of Public Property Destruction Act.

2. It is alleged that on account of prior enmity, the petitioners came to the house of the defacto complainant with weapons and caused damage to the house, besides threatening her with a direct consequences.

3. The learned counsel for the petitioners submitted that the allegations on the face of it does not attract the offence under Section 307 of IPC. The statement of the witness would show that the defacto complainant was not present in the house at the time of the alleged occurrence. Hence, there cannot be a charge for attempt to murder. That apart, the properties alleged to have been damaged is a private property. Hence, the offence under Section 3(1) of the Tamil Nadu



Prevention of Public Property Destruction Act, is not made out.

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4. The learned Additional Public Prosecutor submitted that the points raised by the petitioners are factual in nature and cannot be adjudicated in the instant quash petition. The question as to whether the offence under Section 307 of IPC or the offence under Section 3(1) Tamil Nadu Prevention of Public Property Destruction Act are made out ? are the matters for Trial. Hence, he prayed for the dismissal of the quash petition.

5. This Court on perusal of the impugned final report and submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor is of the opinion that the points raised by the petitioners can be adjudicated by them at the stage of charge framing before the Trial Court. Hence, this Court is not inclined to entertain the quash petition. However, the petitioners are at liberty to make their submissions on the allegations at the time of charge framing. The petitioners being Women, their appearance before the



Crl.O.P.No.30230 of 2019

Trial Court is dispensed with unless the learned XVI Additional Sessions Judge, Singaravelar Maligai, Chennai deemed it necessary for the progress of the Trial.

6. With the above observation, the petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

17.04.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

The XVI Additional Sessions Court,
Singaravelar Maligai,
Chennai.



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Crl.O.P.No.30230 of 2019

SUNDER MOHAN. J,

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CrI.O.P.No. 30230 of 2019

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