



Crl.O.P.No.32142 of 2019

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM:

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

Crl.O.P.No.32142 of 2019

and

Crl.M.P.Nos.17678, 17680 of 2019

1. A.Usman

2. A.Malliga Begum

... Petitioners

Vs

1. State rep. by its
Inspector of Police,
Zam Bazhaar Police Station,
Chennai.
(Crime No.119 of 2019)

2. K.Zulaikha Parveen

... Respondents

PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records relating to the C.C.No.6499 of 2019 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioners : Mr.A.M.Esakkiappan

For Respondent 1 : Mr.L.Baskaran
Government Advocate (Crl.Side)

For Respondent 2 : Mr.I.Kowsar Nissar



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.6499 of 2019 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai thereby taken cognizance for the offences under Sections 294(b), 323, 506(i) r/w.34 of IPC.

2. The case of the prosecution is that the petitioners/accused scolded and using filthy languages, assaulted the defacto-complainant and her husband due to water problem on 13.05.2019. Hence, the defacto-complainant lodged a complaint. Based on the complaint, the first respondent registered FIR in Cr.No.119 of 2019 for the offences under sections 294(b), 323 and 506(ii) of IPC. For the very same occurrence, the 1st respondent lodged a complaint and the same has been registered in Cr.No.118 of 2019 for the offences under sections 324, 506(ii) of IPC. After completion of investigation in both the cases, final report was filed in Cr.No.118 of 2019 and Cr.No.119 of 2019. The Trial Court had taken cognizance in C.C.No.6499 of 2019 and C.C.No.6497 of 2019 on the file of the Chief Metropolitan Magistrate, Egmore.



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3. Heard, the learned counsel appearing on either side.

4. It is seen that the complaint was lodged by the petitioners are arrayed as Accused No.1 and 2 and they are relatives of 2nd respondent. There is a civil dispute pending between the petitioners and the 2nd respondent. That apart, the allegations are trivial in nature and as such to meet the ends of justice, both the proceedings in C.C.No.6499 of 2019 and C.C.No.6497 of 2019 on the file of the Chief Metropolitan Magistrate, Egmore cannot be sustained and liable to be quashed. Though, the 2nd respondent did not file any quash petition in order to meet the ends of justice, the entire proceedings in C.C.No.6499 of 2019 and C.C.No.6497 of 2019 on the file of the Chief Metropolitan Magistrate, Egmore are hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

23.11.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
gvn



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G.K.ILANTHIRAIYAN, J.

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To

- 1) The Chief Metropolitan Magistrate,
Egmore
- 2) The Inspector of Police,
Zam Bazhaar Police Station,
Chennai.
- 3) The Public Prosecutor,
High Court Madras.

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