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*Crl.O.P.No.3822 of 2023 &
Crl.M.P.No.2407 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

**Crl.O.P.No.3822 of 2023 &
Crl.M.P.No.2407 of 2023**

P.Madhivanan

... Petitioner

Vs

1.The State rep. by
The Inspector of Police,
B-6, Magaral Police Station,
Kancheepuram – 631 603.
(Crime No.133 of 2018)

2.Bakkiyammal

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.
praying to call for the records relating to C.C.No.132/2022 on the file of
Judicial Magistrate Court No.II, Kancheepuram and to quash the same.

For Petitioner : Mr.K.Kathiresan

For Respondents : Mr.S.Santhosh,(for R1)
Government Advocate (Crl.side)



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ORDER

This petition is filed to call for the records relating to C.C.No.132/2022 on the file of Judicial Magistrate Court No.II, Kancheepuram and to quash the same.

2. Learned Counsel for the petitioner submitted that the First Information Report allegations and the materials produced along with the final report do not disclose any offence against the petitioner. Petitioner is a law graduate awaiting for enrollment and he is falsely implicated in this case. Though it is alleged that petitioner had attacked the *de-facto* complainant's husband, there is no material produced to show that as a result of his attack, the *de-facto* complainant's husband suffered any injuries. Therefore, he prays for quashment of the proceedings against the petitioner.

3. In response, learned Government Advocate (Crl.side) submitted that there are specific allegations in the complaint and statements of witnesses as to the role of the accused in the commission of offence. The petitioner is said to have attacked the *de-facto* complainant's husband with stick and then scolded in filthy language with criminal intimidation.



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4. Considered rival submissions and perused the records. The First Information Report allegations shows that the *de-facto* complainant and the accused are close relatives. *De-facto* complainant's husband was constructing a new house and stored materials in the place of the *de-facto* complaint's brother-in-law Pillayar. Therefore, brother-in-law and his wife Anjalatchi were scolding them in filthy language. And on 07.06.2018, at about 5.00 p.m., junior uncle of the *de-facto* complainant Etiyappan was showing something to the *de-facto* complainant's husband. At that time, Anjalatchi and her husband scolded the *de-facto* complainant in filthy language. When questioned, Anjalatchi tried to hit the *de-facto* complainant's husband with stone. Her husband avoided the stone and the stone hit the *de-facto* complainant on her head. When her husband tried to hit Anjalatchi, she fell down, suffered injuries on the back of her head. Petitioner scolded her husband in filthy language and hit her. Other accused also joined in abusing the 2nd respondent and her family member in filthy language and they also made criminal intimidation. Therefore, First Information Report was registered for the offence under Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC and Section 4 of TN Prohibition of Harassment of Woman Act, 2002.



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5. The *de-facto* complainant, her husband and all the witnesses supported the aforesaid allegations with regard to the overt act of the accused, especially the overt act of the petitioner. Therefore, this Court finds that materials filed along with the final report make out a case for framing charges against the petitioner under appropriate provisions of penal law especially under Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC and Section 4 of TN Prohibition of Harassment of Woman Act, 2002.

6. In this view of the matter, prayer for quashment of C.C.No.132 of 2022 on the file of the Judicial Magistrate Court No.II, Kancheepuram cannot be entertained and therefore, this petition is dismissed. Consequently, connected miscellaneous petition is closed. The trial Court may proceed to dispose the case on merits and in accordance with law with the available evidences without being influenced by any of the observations made by this Court in this Order.

21.02.2023

Internet:Yes/No
Index:Yes/No
mpl

To

1.The Inspector of Police,

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B-6, Magaral Police Station,
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2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
mpl

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