



Crl.O.P(MD).No.2862 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.04.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.2862 of 2021

and

Crl.M.P.(MD)No.1526 of 2021

Kodiyarasan

...Petitioner

Vs

1.The State,
Rep. By Inspector of Police,
Sholavandan Police Station,
Madurai District.
(Crime No.552 of 2017)

2.Malarvizhi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records relating to FIR in Crime No.552 of 2017 dated 31.10.2017 on the file of the Inspector of Police, Sholavandan Police Station, Madurai District and quash the same as against the petitioner.

For Petitioner
For 1st Respondent

: Mr.S.Prabha
: Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

This petition is filed to quash the FIR in Crime No.552 of 2017 dated 31.10.2017, on the file of the first respondent.



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2.The allegation against the petitioner is that on 31.10.2017 at about 13 hours, due to previous enmity, the petitioner and other accused entered into house of the defacto complainant and they scolded the defacto complainant and his wife by using filthy language and they caused damage to the household articles and they assaulted the defacto complainant. A case in Crime No.552 of 2017 under Sections 294(b), 427 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act was registered and the same was altered into Sections 294(b), 427 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act

3.On the side of the petitioner, it is stated that there is no specific overt act against the petitioner. There is enormous and unexpected delay in filing the complaint. The averment under Sections 294(b) and 427 of IPC were not made out. The offence under Sections 294(b) and 427 of IPC are punishable below three years. The chargesheet was not filed within the time limit and the case is to be quashed.

4.On the side of the prosecution, it is stated that totally three accused were involved in the case. All the three accused trespassed into the house of the defacto complainant. A1 is the petitioner. The investigation was over and



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the allegations are serious in nature. The chargesheet was filed through online on 11.04.2023 and the same is numbered as CNR.No.2709 of 2023.

5.In view of the submission made by the prosecution and hence, chargesheet was already filed, this Criminal Original Petition is dismissed as infructuous. Consequently, connected miscellaneous petition is closed.

27.04.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn

To

- 1.The Inspector of Police,
Sholavandan Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R. THARANI,J.

Mrn

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