



Crl.O.P.(MD) No.3262 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.3262 of 2023

and

Crl.M.P.(MD) Nos.2982 and 2983 of 2023

1.Muthuraj

2.Aathi Lakshmi

... Petitioners

Vs.

1.Sub Inspector of Police,
Koppampatti Police Station,
Thoothukudi District.
Crime No.290 of 2021

2.Rajalakshmi

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in CC.No.308 of 2022 on the file of the Judicial Magistrate No.II, Kovilpatti and quash the same.

For Petitioners : Mr.S.Ramasamy



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For R1 : Mr.SS.Madhavan
Government Advocate (Crl.side)

For R2 : Mr.M.Prabhu

ORDER

This petition is filed seeking quashment of the charge sheet in CC.No.308 of 2022 on the file of the learned Judicial Magistrate No.II, Kovilpatti, which was registered against the petitioners for the offences punishable under Sections 294(b), 323 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2.According to the learned counsel for the petitioners, there is case and counter case and both the cases have been charged by the same Investigating Officer. It is submitted further that even if the contents of the charge sheet are accepted to be true, there is no case against the petitioner and that the medical Doctor has not been examined by the police during the course of investigation to prove the injuries on the defacto complainant.

3.The learned Government Advocate (Crl.side) on the other hand submits that plain reading of the statement of the witnesses would go to show that there



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are allegations against the petitioners. Considering the circumstances, since the issues raised by the petitioners require thorough and full-fledged trial to conclude as to whether the version of the petitioners can be accepted.

4.In view of the above, C.C.No.308 of 2022 on the file of the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District cannot be quashed at this stage without proceeding trial. Since there are 11 witnesses to be examined by the prosecution, the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District is directed to expedite the trial and dispose of CC.No.308 of 2022 within a period of 8 months from the date of receipt of a copy of this order and the presence of the petitioner/accused No.2, who is stated to be a daily wages employee, is dispensed with during the course of trial. However, the learned Magistrate is permitted to direct the petitioner to be present in the Court for answering the charges, 313 examinations and for any such purpose.



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5.With the above directions, this Petition is disposed of. Consequently,
connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

02.08.2023

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To

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



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DR.D.NAGARJUN. J.

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