



Crl.O.P(MD)No.4813 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2023

CORAM:

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD)No.4813 of 2021

and

Crl.M.P(MD)No.2739 of 2021

1.K.Kalakumari .. Petitioner/Accused No.1

2.Jini@Jinimol .. Petitioner/Accused No.2

Vs.

1.The State of Tamilnadu
Represented by Inspector of Police,
Puthukkadai Police Station,
Puthukkadai Post,
Kanyakumari District.
(Crime.No.59/2021) .. 1st Respondent/Complainant

2.S.K.Subashini .. 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code

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of Criminal Procedure, to call for the records pertaining to the FIR in Crime No.122 of 2021 on the file of the 1st Respondent and quash the same.

For Petitioner : Mr.V.H.S.Prathap

For R1 : Mr.M.Muthumanikkam
Government Advocate(Criminal side)

ORDER

The petitioners/A1&A2 have filed this petition to quash the FIR in Crime No.122 of 2021 on the file of the first respondent, wherein he is said to have committed the offence under Sections 294(b), 323 and 506(i) IPC.

2. The case of the prosecution is that the first petitioner is the mother and the 2nd petitioner and the 2nd respondent are the daughters of the first petitioner. The second respondent was doing her MBBS final year in Russia. On 16.03.2021, the second respondent herein has given a complaint against the petitioners alleging that the 1st petitioner/her mother had an illegal relationship with one Gopinath. When she came back to

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India, at the instigation of the said Gopinath, the first petitioner harassed and ill-treated the second respondent by not giving money for her studies. In this regard, in the month of December, the 2nd respondent gave a complaint to the District Collector. Thereafter, they called their mother and advised her to bear the expenses of the second respondent's study, food and other amenities. The first petitioner agreed and gave a written submission to take care of her daughter. Thereafter, at the instigation of the said Gopinath, the mother/first petitioner did not take care of the second respondent and she also tried to transfer their house property to the said Gopinath's name. That being so, on January 23, 2021, the first petitioner suddenly went out of their house without informing anybody and for the next two months, the 2nd respondent was staying alone in the house and she was under the care of her uncle. Subsequently, the 2nd respondent was working as a trainee doctor in Lister Hospital, Marthandam. At the time, she received a phone call from her neighbour that her mother and her sister were breaking their house door. Immediately, she came back to the house and questioned them for which the petitioners scolded her in filthy language and beaten her in the head



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and she sustained injury in the head and also they had given her life threat. On hearing the noise, the neighbours came there, immediately, the petitioners run away from the place. Hence the complaint.

3. The learned Government Advocate (Criminal side) submitted that after completion of investigation in Crime No.122 of 2021, final report has been filed and the same was taken on file as STC.No.420 of 2023 on the file of the learned Judicial Magistrate, Kuzithurai.

4. Recording the same, this Criminal Original Petition stands closed with liberty to the petitioners to work out their remedy in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

13.04.2023

NCC : Yes/No
Internet: Yes/No
Index : Yes/No
PJJ



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To

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



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K.K.RAMAKRISHNAN,J.

PJL

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