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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20/03/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.5152 of 2023

and

Crl.MP(MD)Nos.4539 and 4541 of 2023

1.Titas Adhithan

2.Niranjana

: Petitioner/A1 and A2

Vs.

1.The State rep. by its

The Sub Inspector of Police,

Sankarankovil Town Police Station,

Tenkasi District.

(Crime No,12 of 2022)

: 1st Respondent/Complainant

2.Mariya Sudha

: 2nd Respondent/De-facto

Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in CC No.1044 of 2022 on the file of the Judicial Magistrate, Sankarankovil, Tenkasi District, in Crime No.12 of 2022 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.A.Uthayakumar

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

**O R D E R**

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This criminal original petition is filed seeking quashment of the case in CC No.1044 of 2022 on the file of the Judicial Magistrate, Sankarankovil.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint with the following allegations:- One Seysammal is her mother and she was living in Sankarankovil in her ancestral property. In the upstairs portion, her brother namely Titas Adhithan is living with his family. She used to visit the mother frequently and later, started living with her mother in Sankarankovil. Over the above said ancestral property, dispute exists between herself and her brother and sister. The mother also gave an application to the Municipal Corporation to disconnect the water tap connection to the portion occupied by Titas Adhithan. Over which, there is enmity between them. On 10/01/2022, at about 09.15 am, she videographed the water supply by lorry. That was objected by Titas Adhithan and his wife. She was abused in filthy language and caused assault with brick. She sustained injuries. A2 also joined with A1 in assaulting her. They also damaged



her mobile phone. In the above said assault, her gold chain also missing. On the basis of the above said occurrence, a case in Crime No.12 of 2022 was registered for the offences under sections 294(b), 323, 324, 427, 506(1), 379(NH) IPC and section 4 of the Tamil Nadu Prohibition of Harassment of Women Act @ sections 294(b), 323, 324, 427, 506(i) IPC and section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. After completing the investigation process, final report was filed against the accused persons, which was also taken on file in CC No.1044 of 2022 by the Judicial Magistrate, Sankarankovil.

3. Seeking quashment of the same, this petition has been filed by the petitioners on the ground that a family dispute has been given criminal colour and without proper investigation, final report has been filed making allegations against the petitioners.

4. Heard both sides.

5. It is a case of assault. As stated in the preamble portion, the de-facto complainant is very specific in her



statement not only at the time of giving the complaint, but also during the course of investigation stated that she was assaulted by both the petitioners, abused in filthy language and her mobile phone worth Rs.13,000/- was also damaged.

6. Whether any such occurrence has occurred and whether the de-facto complainant suffered any injury because of the above said assault are all matters for consideration by the trial court, which cannot be considered by this court, while exercising the jurisdiction under section 482 Cr.P.C.

7. The learned Additional Public Prosecutor would submit that during the course of investigation, the statement of the Assistant Surgeon, Government Hospital, Sankarankovil, who treated the de-facto complainant was recorded and he has also issued the Wound Certificate. The copy of the Wound Certificate is also attached with the final report to be furnished to the accused. According to him, it is a case of injury. The petitioners cannot maintain this petition.



8. Wound Certificate is also dated 10/01/2022.

Wherein the Duty Medical Officer had found six simple injuries. Some of them are nail marks, contusion wound and abrasion. So when *prima facie* materials have been collected during the course of investigation to show that the de-facto complainant sustained injuries due to the above said alleged assault, I find no merit in the contention that has been raised by the petitioners that a family issue has been given criminal colour. No ground worth considering has been made by the petitioners to quash the criminal proceedings.

9. In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

20/03/2023

Index: Yes/No
Internet: Yes/No
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To,

- 1.The Judicial Magistrate,
Sankarankovil.
- 2.The Sub Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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