

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 14/06/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP (MD) No.6997 of 2023

and

Cr1.MP (MD) Nos.6076 and 6077 of 2023

1.Banumathi
2.Dharanitharan : Petitioners/A1 and A2

Vs.

1.State represented by
The Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar District.
(Crime No.97 of 2018) : R1/Complainant
2.Kamalam : R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the charge sheet in CC No.424 of 2022 on the file of the Judicial Magistrate, Aruppukottai, Virudhunagar District and quash the same as illegal and pass such further or other orders.

For Petitioners : Mr.C.Suresh Kannan

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

O R D E R

This criminal original petition has been filed seeking quashment of the charge sheet in CC No.424 of 2022 on the file of the Judicial Magistrate, Aruppukottai, Virudhunagar District

2.The case of the prosecution in brief:-

The first accused was related to the de-facto complainant. He borrowed a sum of Rs.8,00,000/- from the de-facto complainant, promising to return the same within three months. Later, she refused to return the money and for about 2-1/2 years, she delayed the repayment. On 24/07/2018 at about 08.00 am, the de-facto complainant went to the house of the first accused and demanded money back. At that time, she refused to return the money and all the accused persons, abused her in filthy language and pushed her out of the house. In the above said process, the de-facto complainant fell down and also sustained injuries due to falling on the iron rod. She was also criminally intimidated. On the basis of the above said occurrence, a case in Crime No.97 of 2018 for the offence under section 324 and 506(i) IPC was

registered. After completing the investigation, final report was filed and it was taken cognizance in CC No.424 of 2022 by the Judicial Magistrate, Aruppukottai, Virudhunagar District.

3. Seeking quashment of the same, this petition has been filed by the petitioners on the ground that none of the allegations mentioned in the FIR attract any of the ingredients of the offences as alleged against them.

4. Heard both sides.

5. With regard to section 324 IPC, the contention on the part of the petitioners is that absolutely, there was no intention for them to cause any injury to the de-facto complainant. Even as per the allegation made in the FIR as well as in the final report, she sustained injuries, when she fell down on the iron rod. So, according to them, in this situation, section 324 IPC is not made out.

6. With regard to the offence under section 506(i) IPC, he would submit that the ingredients have not been

attracted; Nothing has been stated in the final report that because of the alleged criminal intimidation, the de-facto complainant was under fear of death.

7. Reading of the complaint as well as the final report clearly shows that because of pushing her down by the petitioners, in the above said process, she fell down on iron rod and sustained injuries. The word '**hurt**' is defined in section 319 IPC.

8. Section 319 IPC reads as follows:-

*"Whoever causes bodily pain,
disease or infirmity to any person is said
to cause hurt."*

9. No doubt that these petitioners alleged to have pushed the de-facto complainant out of the house. In that process, the above said injury was sustained by her. Pushing a person out of the house would itself amount to using of the force.

10. Whether any one of the exceptions that are mentioned in the provisions of IPC, applies cannot be a matter for consideration by this court at this stage. As mentioned earlier, force has been used by the petitioners. The consequence of the above said force is sustaining injury by falling on the iron rod. So, I find no reason to quash the proceedings.

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

14/06/2023

Index: Yes/No
Internet: Yes/No

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To,

1. The Judicial Magistrate,
Aruppukottai,
Virudhunagar District.
2. The Inspector of Police,
M.Reddiyapatti Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G.ILANGOVAN, J

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