



WEB COPY



CrI.O.P.(MD)Nos.8363 and 15171 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19/12/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.OP (MD)Nos.8363 and 15171 of 2023
and
CrI.MP (MD)Nos.7285 and 12025 of 2023

(1)CrI.OP (MD)No.8363 of 2023:-

1.P.Karuppu
2.K.Ganesh
3.A.Pitchaiyammal
4.P.Rajathi
5.K.Karnan
6.M.Alagammal
7.Poovayi
8.P.Vellaiyammal
9.C.Muthupillai
10.M.Mariyammal
11.P.Thangapandi
12.S.Murugan

: Petitioners/A1 to A12

Vs.

1.State rep. by
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(Crime No.907 of 2020)

: 1st Respondent/
Complainant

2.K.Nagalingam

: 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 pertaining to the impugned FIR in Crime No.907 of 2022 on the file of the 1st respondent Police and quash the same and pass any such further orders.



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For Petitioners : Mr.S.M.Mohan Gandhi
For 1st Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(Criminal side)
For 2nd Respondent : M/s.T.Seeni Syed Amman
for M/s.Lajapathi Roy and
Associates

(2)CrI.OP(MD)No.15171 of 2023:-

1.Mr.K.Maruthiah
2.Ms.G.Shobana
3.Mr.Naveen Kumar : Petitioners/A3 to A5
Vs.

1.State Represented by
Its Inspector of Police,
Vadipatty Police Station,
Madurai District,
Madurai.
(Crime No.906 of 2020) : R1/Complainant

2.Ms.Pitchaiammal : 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 impugned final report in CC No.161 of 2023 on the file of the Judicial Magistrate, Vadipatty, Madurai, in Crime No.906 of 2020, dated 03/06/2022 on the file of the respondent No.1 and quash the same as illegal as against the petitioners and pass such further or other orders.

For Petitioners : M/s.T.Senni Syed Amma
for M/s.Lajapathi Roy and
Associates
For 1st Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(Criminal side)
For 2nd Respondent : Mr.S.M.Mohan Gandhi



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COMMON ORDER

WEB COPY Crl.OP(MD)No.8363 of 2023 is filed seeking quashment of the FIR in Crime No.907 of 2020 on the file of the 1st respondent police, whereas Crl.OP(MD)No.15171 of 2023 has been filed seeking quashment of the case in CC No.161 of 2023 on the file of the Judicial Magistrate, Vadipatty, Madurai.

2.The case of the prosecution in respect of

Crl.OP(MD)No.8363 of 2023:-

Due to enmity with regard to maintenance of temple accounts, on 02/06/2020, the accused persons entered into the house of the de-facto complainant, attacked him and his mother and took the account book of the temple and Rs.20,000/- and also threatened them with dire consequences. On the basis of the complaint given by the de-facto complainant, a case in Crime No.907 of 2020 was registered for the offences under sections 147, 448, 294(b), 323, 506(i), 379 IPC and section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2022.

3.Seeking quashment of the same, these petitioners, who are arrayed as A1 to A12 in Crl.OP(MD)No.8363 of 2023 are before this court.



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4. The case of the prosecution in respect of

Crl.OP(MD)No.15171 of 2023:-

There exists previous enmity between the de-facto complainant and the accused persons with regard to maintenance of temple accounts. Due to which, on 02/06/2020, the accused persons abused the de-facto complainant, when she was asking the accounts of the temple. On the basis of the complaint given by the de-facto complainant, a case in Crime No.906 of 2020 was registered for the offences under sections 109, 294(b) of IPC and section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. After completing the investigation, final report has been filed and it was taken cognizance in CC No.161 of 2023 by the Judicial Magistrate, Vadipatty, Madurai.

5. Seeking quashment of the same, these petitioners, who are arrayed as A3 to A5 in Crl.OP(MD)No.15171 of 2023 are before this court.

6. Heard both sides.

7. It is the contention on both parties that it is a case and counter, without following proper procedure as set out in PSO-588A and cases have been registered against each other.



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8. Reading of the complaint, in both the matters, shows that on the particular date of occurrence, over the previous enmity of with regard to maintenance of temple account, both sides engaged in wordy altercation. So over the above said occurrence, both the matters have been investigated and charge sheet in CC No.161 of 2023 has been filed in respect of Crime No.906 of 2020 without referring the counter case, which is *per se* illegal.

9. On the sole ground, the entire prosecution, in both cases, is bad in law and accordingly, they are liable to be quashed.

10. In the result, both criminal original petitions are **allowed**. The FIR in Crime No.907 of 2020 on the file of the 1st respondent police is herein quashed against the petitioners in Crl.OP(MD)No.8363 of 2023. Similarly, the case in CC No.161 of 2023 on the file of the Judicial Magistrate, Vadipatty, Madurai District is hereby quashed against the petitioners in Crl.OP(MD)No.15171 of 2023. Consequently, connected Miscellaneous Petitions are closed.

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

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1.The Judicial Magistrate,
Vadipatty,
Madurai District.

2.The Inspector of Police,
Vadipatty Police Station,
Madurai 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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