



Crl.O.P.(MD)No.11297 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.11297 of 2023

and

Crl.M.P.(MD)Nos.8932 & 8933 of 2023

Gayathri

... Petitioner

Vs.

1.State rep. By

The Sub Inspector of Police,

Mayiladumparai Police Station,

Mayiladumparai, Theni District.

In Crime No.25 of 2023

2.Krishnasamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records connection in C.C.No.235 of 2023, on the file of the Judicial Magistrate, Andipatti and to quash the same as against the same the petitioner.

For Petitioner : Mr.Niranjana S.Kumar

For Respondents : Mr.R.Suresh Kumar
Additional Public Prosecutor for R1



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ORDER

This Petition is filed to quash the proceedings in C.C.No.235 of 2023, on the file of the Judicial Magistrate, Andipatti.

2.The case of the prosecution is that the defacto complainant was married to the petitioner- Gayathri Devi and after their marriage, they had a child by name, Madhu Chandran. Because of the difference of opinion between the husband and wife, they separated and the child was taken by the wife.

3. In view of the above said compromise, the defacto complainant executed a settlement deed in favour of his wife - petitioner herein and mutual divorce was also granted in the year 2019. Against the agreed terms, the wife tried to sell the property. On 28.10.2022, they went that coconut grove and at that time, the wife picked up quarrel, abused the petitioner and his mother in filthy language. Based upon the above said occurrence, a case in Crime No.25 of 2023, under Sections 294(b) and 506(ii) I.P.C., was registered and after investigation, charge



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sheet was filed and the same was taken on file as C.C.No.235 of 2023, on the file of the Judicial Magistrate, Andipatti.

4. Seeking quashment of the same, this petition has been filed by the petitioner, on the sole ground that it is a case in counter case. On the basis of the complaint given by the petitioner a case in Crime No. 26 of 2023 was registered against the defacto complainant. In both the cases, final report has been filed and so far as Crime No.25 of 2023 is concerned, it was taken cognizance in C.C.No.235 of 2023. In so far as the counter case given by this petitioner is concerned, it was taken cognizance in S.T.C.No.591 of 2023, before the Judicial MAgistrate, Aundipatty. In the counter case, the defacto complainant's party appeared and admitted the guilty and paid the fine amount. The judgment is dated 09.05.2023. So, on that ground, this petition has been filed.

5. Since the case and counter case, the respondent ought to have adopted proper procedure by following 588-A of the Police Standing Order, and ought have found who were aggressors. Admittedly,



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the defacto complainant's party admitted the guilt and paid fine amount also. So, they deemed to be the aggressors. So, on that ground also, this petition is liable to be allowed and accordingly allowed. Apart from that, non following of proper procedure by the respondent police in investigating case in counter case by following the 588-A of the Police Standing Order, on that ground also, the proceedings in C.C.No.235 of 2023, on the file of the Judicial Magistrate, Andipatti, is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
Ls

23.06.2023

To

- 1.The Judicial Magistrate,
Andipatti.
- 2.The Sub Inspector of Police,
Mayiladumparai Police Station,
Mayiladumparai,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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G.ILANGO VAN,J

Ls

Order made in
Crl.O.P.(MD)No.11297 of 2023

Dated: 23.06.2023