



Crl.O.P(MD).No.14554 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.12.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).No.14554 of 2020

and

Crl.M.P(MD).No.6850 of 2020

Mallika

... Petitioner

Vs.

1.The Inspector of Police,
Moolakaraipatti Police Station,
Moolakaraipatti,
Tirunelveli District.
(Crime No.161 of 2020)

2.P.Pon Selvi

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for records pertaining to C.C.No.329 of 2020, on the file of the learned Judicial Magistrate, Nanguneri and quash the same.

For Petitioner : Mr.P.Pethu Rajesh

For Respondents : Mr.P.Kottaichamy
Government Advocate(Crl.Side)
for R1
: No appearance for R2



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ORDER

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Sole Accused in C.C.No.329 of 2020 on the file of the learned Judicial Magistrate, Nanguneri has filed this Criminal Original Petition to quash the case in C.C.No.329 of 2020 on the file of the learned Judicial Magistrate, Nanguneri.

2.He is said to have committed the offences under Section 294(b), 352 and 506(ii) of IPC.

3. On 02.06.2020 at about 01.00 am., while complainant was in process of rolling beedi in her house the petitioner/accused is said to have barged into her house and abused her with a filthy languages and assaulted her and criminally intimidated her. Therefore, the complainant lodged a complaint before the first respondent police. The first respondent police registered a case for the alleged offences punishable under Section 294(b), 352 and 506(ii) of IPC and investigated the matter and filed final report on the file of the learned Judicial Magistrate, Nanguneri.and the same was taken on file in C.C.No.329 of 2020. To



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quash the same, the petitioner has filed this quash petition.

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4. The learned counsel for the petitioner would submit that the complaint itself is false, motivated and lodged as a counter blast to the petitioner's complaint made against the 2nd Respondent. The petitioner is a poor coolie and daily wages and only bread winner of her family consisting her child, old mother and her husband. Various false complaints had been lodged one after another by the *defacto* complainant against the petitioner for no reason. There is no truth in the allegation made in the petition. Therefore, the complaint was made with malafide intention. And hence seeks to quash the case.

5.The learned Additional Public Prosecutor submitted that sufficient materials are available record to frame the charge. There is allegation against the petitioner that she had assaulted the 2nd Respondent and criminally intimidated her. The truthfulness of the allegation should can be gone into only at the time of trial. Hence, he seeks for dismissal of this quash petition.



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6. This court perused the material and the contents of the documents including the 161 CrPC statements of various witnesses. As rightly pointed out by the Learned Additional Public Prosecutor, sufficient materials are available to frame the charges. More particularly the victim categorically stated about the assault made by the petitioner and the truthfulness of the said statement can be looked into only at the time of the trial. The defence of the petitioner that the Defacto-complainant made the complaint with malafide intention as a counter to her his complaint is matter for appreciation of evidence as held by the Hon'ble Supreme Court in 2023 (2) MLJ SC 105. Therefore, this court is not inclined to entertain this quash petition as devoid of merits.

7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

12.12.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
sbm



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To

1. The Inspector of Police,
Moolakaraipatti Police Station,
Moolakaraipatti,
Tirunelveli District.
- 2.The Judicial Magistrate, Nanguneri.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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