



Crl.O.P.(MD)No.15573 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16/11/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.15573 of 2023

and

Crl.MP(MD)Nos.12371 and 12373 of 2023

1.S.P.D.Karuppaiah

2.K.Perarivalan

3.K.Dhanalakshmi

: Petitioners/A1 to A3

Vs.

1.State represented by

The Inspector of Police,

Karaikudi South Police Station,

Sivagangai District.

(Crime No.423 of 2021)

: R1/Complainant

2.S.Valarmathi

: 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. 1458 of 2022 pending on the file of the Judicial Magistrate, Karaikudi, in Crime No.423 of 2021, dated 18/09/2021 for an offence under section 341, 294(b), 323 and 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and quash the same as illegal as far as the petitioners are concerned and pass such other or others.

For Petitioner : Mr.T.Thirumurugan

For 1st Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(Criminal side)

For 2nd Respondent : No appearance



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O R D E R

WEB COPY This criminal original petition has been filed seeking quashment of the case in CC No.1458 of 2022 on the file of the Judicial Magistrate, Karaikudi.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that she and her parents were residing in the house belonged to the first petitioner since 2018 by way of lease agreement, dated 10/06/2023. She also paid Rs.2,00,000/- as lease amount. In the meantime, there a quarrel arose between the 1st petitioner and one Shanmugasundaram regarding the right over the property. So the de-facto complainant decided to vacate the house and asked the 1st petitioner to repay the lease amount. But the 1st petitioner paid only Rs.75,000/-. The remaining amount was not paid. When that is being so, on 18/09/2021 at about 05.00 pm, the de-facto complainant and her parents attempted to vacate by using TATA ACE vehicle. At that time, the petitioners along with one Palanivel were abused, threatened them and also restrained them from vacating the house. On the basis of the complaint given by the de-facto complainant, a case in Crime No.432 of 2021 was registered for the offences under sections 341, 294(b), 323 and 506(i) IPC and



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section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. After completing the investigation, charge sheet was filed and it was taken cognizance in CC No.1458 of 2022 by the Judicial Magistrate, Karaikudi.

3. Seeking quashment of the same, this petition has been filed simply on the ground that it is a case and counter case and without following the procedure as set out in PSO-588A, final report has been filed in both matters even without referring to the counter case.

4. Heard both sides.

5. As mentioned in the preamble portion, it is a case and counter. Reading of the final reports, in both matters, seen that both the occurrences taken place on the very same day, at the same time. Since both are case and counter case, without verifying, who are the aggressors, final report has been filed in both matters. The Investigating Officer has not followed the procedures enunciated in PSO588-A.

6. On that sole ground, this criminal original petition is liable to be allowed, without going into other aspects.



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7.In the result, this criminal original petition stands **allowed**. The case in CC No.1458 of 2022 on the file of the Judicial Magistrate, Karaikudi, Sivagangai District, is herein quashed against the petitioners. Consequently, connected Miscellaneous Petitions are closed.

16/11/2023

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

- 1.The Judicial Magistrate,
Karaikudi,
Sivagangai District.
- 2.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai 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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