



**Crl.O.P.(MD)No.22440 of 2018**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 03.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.(MD).No.22440 of 2018**

**and**

**Crl.M.P.(MD).No.10520 of 2018**

1.Sarasa Bai

2.Sheeba Kumari

3.Sheema Kumari

4.Suresh Berlin

... Petitioners/Accused 1 to 4

**Vs.**

1.The State Represented by  
The Inspector of Police,  
Petchiparai Police Station,  
Kanyakumari District.  
(Crime No.13 of 2016)

... 1<sup>st</sup> Respondent/Investigating Agency

2.Nalina

...2<sup>nd</sup> Respondent/Complainant

**Prayer:** Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and quash the proceedings in C.C.No.183 of 2018 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District as against the petitioners herein.

For Petitioners : Mr.R.Joseph Thankaraj

For R-1 : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor.



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For R-2 : Mr.P.Mahendran

**ORDER**

The Criminal Original Petition is filed seeking for quashing of the private complaint in C.C.No.183 of 2018 which was taken on file pursuant to the protest petition filed by the second respondent.

2. The learned counsel for the petitioners submits that the impugned proceedings is a motivated one, since the Investigating Officer had already closed the FIR after investigation and the learned Magistrate without any materials has taken the impugned complaint on file. The learned counsel submits that the entire case is false and hence prayed for quashing of the impugned complaint.

3. The learned counsel for the second respondent/complainant submits that the learned Magistrate had taken into consideration the materials produced by the complainant and had rightly rejected the final report filed by the first respondent and taken the complaint on file. The learned counsel submits that the matter requires adjudication in a trial and therefore prayed for dismissal of the quash petition.



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4. On perusal of the impugned complaint, this Court finds that the points raised by the petitioners, namely, that the complaint was investigated by the Police and the Police had rightly filed a negative final report and that the complaint is false require adjudication in a trial. Hence, this Court is not inclined to quash the impugned proceedings.

5. However, since the petitioners 1 to 3 are ladies, their appearance before the Trial Court is dispensed with unless the learned Magistrate considers their presence necessary for the progress of the trial. The learned Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District is also directed to conclude the trial as expeditiously as possible and in any event, within a period of six (6) months from the date of receipt of a copy of this order.

6. With the above observations, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition stands closed.

**03.02.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
Lm



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To

- 1.The Judicial Magistrate No.II,  
Padmanabhapuram,  
Kanyakumari District.
- 2.The Inspector of Police,  
Petchiparai Police Station,  
Kanyakumari District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**SUNDER MOHAN, J.**

Lm

**CrI.O.P(MD).No.22440 of 2018  
and  
CrI.M.P.(MD).No.10520 of 2018**

**03.02.2023**