



CrI.O.P.(MD) No.19107 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD)No.19107 of 2023
and CrI.M.P.(MD).Nos.15088 & 15089 of 2023

1.Sreeja

2.Vanaja

3.Thangam

4.Shanmugavel

5.Saravanan

...Petitioner / Accused No.1 to 5

Vs.

1.The Superintendent of Police,
Kanyakumari District.

2.The Inspector of Police,
Colachel Police Station,

Colachel, Kanyakumari District. ...Respondents / Complainants

3.Girija

...3rd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Impugned Charge Sheet in C.C. No.135/2023 on the file of the Judicial Magistrate, Eraniel in Crime No.21 of 2023 dated 30/01/2023 registered by 2nd respondent and quash the same as illegal in respect

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WEB COPY of the petitioners.

For Petitioner :Mr.P.F.Ferlin Castro

For Respondent :Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed to quash the impugned Charge Sheet in C.C.No.135 of 2023 on the file of the learned Judicial Magistrate, Eraniel, in Crime No.21 of 2023 dated 30.01.2023, registered on the file of the 2nd respondent.

2.The defacto complainant lodged the complaint stating that the accused are her parents, sister and brothers. Her father died leaving behind the properties. She was invited for registering the partition deed. On that ground she visited along with her child to the Sub Registrar Office, Colachel. At that time, she was given money. She refused to sign in the document. She was abused, insulted, caused assault with hands by the accused persons. She was also criminally intimidated. On the basis of the above said occurrence, complaint was given by the third respondent, which was registered by the second respondent in Crime No. 21 of 2023 for the offences punishable under Sections 147, 341, 294(b), 323 and



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506(i) of IPC. After completing the investigation final report was filed making allegations against the petitioners by altering the above said offences punishable under Sections 147, 341, 294(b), 506(i) and Section 325 of IPC.

4. Seeking quashment of the same, all the accused are before this Court stating that out of the property issue, false complaint has been given by the defacto complainant and none of the allegation mentioned in the final report attracted any of the ingredients of the offences.

5. Heard both sides.

6. The learned Government Advocate (Crl. Side) would submit that enough materials have been collected during the course of investigation to show the assault made upon the defacto complainant. She also underwent the treatment, for which, the duty Doctor, who attended the defacto complainant was also examined and proper medical records have been collected. So according to the learned Government Advocate (Crl. Side), since it is case of injury no quashment is required.



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7. Even though the learned counsel for the petitioner would try to impress the Court that the allegations are not *prima facie* attracted, reading of the complaint as well as the final report clearly indicates the injuries sustained by the defacto complainant. Since it is case of injury, it must be tried to its logical conclusion. Without any basic ground, this petition is filed stating that the ingredients are not attracted. It is for the trial Court to see whether the offences attracted at the time of framing charges. This is too premature a stage to decide the issue. On that ground, this criminal original petition is liable to be dismissed. Absolutely, I find no reason to entertain this petition.

8. Accordingly, this criminal original petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

20.10.2023

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To

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Inspector of Police,
Colachel Police Station,
Colachel, Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA. J.

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