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Crl.O.P.(MD)No.20760 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07/12/2023

CORAM

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

Crl.OP(MD)No.20760 of 2023

and

Crl.MP(MD)Nos.16281 and 16282 of 2023

Archana Mohan : Petitioner/A4

Vs.

1.The State of Tamil Nadu

Rep. by the Inspector of Police,

AWPS-THENI,

Theni District.

(crime No.56 of 2022)

: R1/Complainant

2.A.Shalini

: R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records culminating in CC No.157 of 2023 on the file of the Judicial Magistrate, Additional Mahila Court, Theni and quash the same in so far as the petitioner is concerned and pass such further order or other orders.

For Petitioner : Mr.Ali Hassan Khan

For 1st Respondent : Mr.Sakthi Kumar
Government Advocate
(Criminal side)

O R D E R

This criminal original petition has been filed seeking quashment of the case in CC No.157 of 2023 on the file of the Judicial Magistrate/Additional Mahila Court, Theni.



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2.The case of the prosecution in brief:-

The de-facto complainant married A1. After marriage, she was staying with her husband in Chennai. A1 and A4 had developed an illicit relationship. Over which, a complaint was lodged by the de-facto complainant with AWPS, Theni and enquiry was conducted. In this regard, his family members abused the de-facto complainant with filthy language and assaulted her, when she was in pregnant. On the basis of the above said occurrence, a case in Crime No.56 of 2022 for the offences under sections 498(A), 294(b), 323, 341, 109 and 506(i) of IPC. After completing the investigation, final report has been filed and it was taken cognizance in CC No.157 of 2023 by the Judicial Magistrate, Additional Mahlia Court, Theni, for the offences under sections 498(A), 294(b), 323, 109 and 506(i) IPC.

3.Seeking quashment of the same, this petition is filed by A4 on the ground that none of the allegations mentioned either in the FIR or in the final report attract any of the ingredients of the offences alleged against her.

4.Heard both sides.



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5.It is a case of assault, criminal intimidation, abuse.

6.From the perusal of the records, it is seen that there was family dispute between the de-facto complainant and the accused. On the particular day of the occurrence, this petitioner and other accused persons abused the de-facto complainant in filthy language, caused assault, tore her dress and also made criminal intimidation.

7.The statement of the witnesses have also been recorded, which corroborating the allegations made in the complaint. When enough materials have been collected during the course of the investigation *prima facie* to show the commission of the offence, without any valid ground, on the factual issue, this petition has been filed. The ingredients of the offences stated in the final report are clearly attracted.

8.Whether any injury caused by the petitioner is true or not, cannot be a matter for consideration by this court while exercising the jurisdiction under section 482 Cr.P.C. So, I find absolutely no reason to entertain this petition. Without any legal ground, this petition has been filed.



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9.In the result, this criminal original petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed.

Index:Yes/No
Internet:Yes/No
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07/12/2023

To,

- 1.The Judicial Magistrate,
Additional Mahlia Court,
Theni.
- 2.The Inspector of Police,
All Women Police Station,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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