



Crl.O.P.(MD).No.20763 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.20763 of 2023
and Crl.M.P.(MD).No.16288 & 16290 of 2023

1.Sathyajansi @ Srisakthi @ Sathiya Jancy
2.Karthikeyan
3.Murugesan

... Petitioners

Vs.

1. State rep.by
The Inspector of Police,
Thallakulam Police Station,
Madurai.
(In Crime No.122/2022)

2.Sulthan Jalaludheen

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the impugned Charge Sheet in CC No.1864/2022 on the file of the Learned Judicial Magistrate-II, Madurai and to quash the same as illegal.

For Petitioner : Mr.S.Vikram

For R1 : Mr.M.Sakthi Kumar
Government Advocate
(Crl.side)



Crl.O.P.(MD).No.20763 of 2023

ORDER

WEB COPY

This criminal original petition has been filed seeking quashment of the impugned Charge Sheet in C.C.No.1864/2022 on the file of the learned Judicial Magistrate-II, Madurai.

2.The case of the prosecution in brief:

The defacto complainant lodged a complaint stating that he was owning a house property in Door No.4/713, in K.Pudur, Madurai. He rented the property to one Seeniammal in 2014. Advance amount was fixed as Rs.30,000/-. Thereafter she died. After her demise, her daughter Sri Sakthi promised to pay the balance amount. But, later failed to comply her own undertaking. He also came to know that it is used for some illegal purpose. Later, she vacated the house and handed over the possession. After that it was rented to one Parthasarathy. Thereafter, the above said Sri Sakthi made a false complaint. She forcibly entered into the property by assaulting the watchman. Now, she is in occupation. It was intimated to the police. At that time, she was assaulted, abused.

3.In connection with Crime No.118 of 2022, the defacto



Crl.O.P.(MD).No.20763 of 2023

complainant and other party went to arrest the accused person on 03.02.2022 at about 11.00 a.m. At that time, the accused persons prevented the police from effecting the arrest. They were also criminally intimidated and assaulted. The accused Karthikeyan beaten the defacto complainant. On the basis of the above said occurrence case was registered. After completing the investigation, final report was filed and taken cognizance in C.C.No.1864 of 2022, on the file of the learned Judicial Magistrate No.II, Madurai. Seeking quashment of the same, this petition has been filed stating that the allegations mentioned in the final report are not made out.

4.Heard both sides.

5.It is a case of injury as mentioned in the final report. The defacto complainant party went to the residence of the accused for making arrest in connection with Crime No.118 of 2022. At that time, the present occurrence said to have taken place. Whether any assault was made, it is purely the matter for consideration by the trial Court, during the process of trial. Reading of the final report shows that the Casualty Medical



Crl.O.P.(MD).No.20763 of 2023

Officer attached to the Government Rajaji Hospital, Madurai, treated the complainant and issued Wound Certificate also. So when *prima facie* materials are collected during the course of investigation to implicate these petitioners without any legal ground, this petition has been filed, simply stating that the offences are not made out. If find absolutely, no reason to entertain this petition. The trial process must be taken to its logical conclusion.

6. Accordingly, this criminal original petition stands dismissed.

Consequently, connected miscellaneous petitions are closed.

20.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM
To

1. The Inspector of Police,
Thallakulam Police Station,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD).No.20763 of 2023

G.ILANGO VAN,J.

TM

Crl.O.P.(MD).No.20763 of 2023

20.11.2023