



Crl.O.P.No.559 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.559 of 2023
& Crl.M.P.No.277 of 2023

Sasikala.

... Petitioner/Accused No.2

Vs.

1. State Rep.by its
The Inspector of Police,
Vellode Police Station,
Erode District.

... 1st Respondent/Complainant

2.V.Vidhya.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.118 of 2022 on the file of Learned Judicial Magistrate, Perundurai, Erode District and to quash the same.

For Petitioner : Mr.S.Suresh

For R1 : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side).



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ORDER

The petitioner herein is the 2nd accused in C.C.No.118/2022. The 1st accused is the brother of the defacto complainant and 2nd accused is the mother-in-law of the 1st accused. The property dispute between the brother and sister has led to wordy quarrel near the construction site of the defacto complainant. As per the final report, the 1st accused apart from abusing the defacto complainant in obscene language, had snatched the cellphone of the defacto complainant causing simple hurt. The overt act against the 2nd accused, who is the petitioner herein is that she has made some abusive statement against the defacto complainant.

2. The Learned Government Advocate (Crl.Side) appearing for the 1st respondent submits that the entire allegation against both accused 1 & 2 is exaggerated one without any corroboration. The observation mahazar also does not clearly indicate that the incident occurred in a public view. This petitioner, who is arrayed as A2 been falsely roped in by the defacto complainant who attempts to settle her score with her brother.



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3. The Learned Government Advocate (Crl.Side) appearing for the 1st respondent submits that occurrence took place on 19.12.2021 at about 8.30 a.m near the construction site of the defacto complainant. The sketch prepared by the police indicates that the occurrence took place in a public view. The abusive language used by the petitioner herein is explicitly stated in the complaint and also in the statement of the defacto complainant. Hence, the 1st respondent police has registered the F.I.R for the offence under Section 294 (b), 323, 341, 506(2) of I.P.C r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act and later altered to Section 294(b), 323, 341 and 506(1) of I.P.C.

4. The prosecution in the final report has relied upon 8 witnesses. Apart from the defacto complainant, there are three eye witnesses to the occurrence. Though, the Learned Counsel for the petitioner states that there is no medical certificate relied by the prosecution, the doctor who has treated the defacto complainant is shown as one of the listed witnesses by the prosecution. Furthermore, the accusation against this petitioner is only for using abusive language which attracts Section 294(b) of I.P.C and she has not been charged for



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the offence under Section 322 of I.P.C. For want of wound certificate may not have any relevance to the case against this petitioner.

5. Considering the statement of eye witnesses and the rough sketch relied by the prosecution, this Court is not inclined to interfere in the matter, however direct the trial Court to complete the trial within a period of two months and while considering the evidence shall take note of the defence taken by the petitioner herein and test the same with the proven facts.

6. With this observation, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

06.08.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To

1. The Inspector of Police, Vellode Police Station, Erode District.

2. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

bsm

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