



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 1367 of 2022

& CrI.MP. No. 538 & 540 of 2022

1 INTHIRA [
W/O MATHIYAN MOOLAPATHI ARASIRAMANI
VILLAGE SANKARI TALUK SALEM DISTRICT

PETITIONER

Vs

1 STATE REP BY
SUB INSPECTOR OF POLICE THEVOOR POLICE
STATION SALEM DISTRICT

2 SARAVANAN
S/O PERUMAL VELLAIPILLAYRKOIL KAVERIPATTI
SANKARI TALUK SALEM DISTRICT

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records relating in Cc.No.38/2021 on the file of the Learned Judicial Magistrate No.I Sankari and quash the same by allowing this CrI.OP. petition.

For petitioner : Mr.M.Guruprasan
For R1 : Mr. S.Vinoth Kumar, Govt. Advocate
For R2 : Mr.A. Saravanan



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ORDER

The petitioner herein filed this petition to call for the records relating in Cc.No.38/2021 on the file of the Learned Judicial Magistrate No.I Sankari and quash the same.

2. The case of the prosecution is that on 18.12.2020, the petitioner herein along with other accused persons attacked the defacto complainant and his relatives and caused injuries to them, and also threatened them with dire consequences. Hence, the respondent police lodged a FIR in crime No. 328 of 2020 under sections 294(b), 341, 324, 427, 506(2) and 352 of IPC. Challenging the said FIR the petitioner filed this petition.

3. Heard both sides.

4. The learned counsel for the petitioner submits that the petitioner is a teacher and she was not present at the time of alleged occurrence. Furthermore, while admitting the hospital the victim stated that three persons attacked her which itself shows that the petitioner was not present at the time of the occurrence. Furthermore, in order to deviate the civil case



in O.S No. 173 of 2020 the defacto complainant lodged the complaint.

Hence, he prays to allow this petition.

5. According to the prosecution, against this petitioner another FIR was registered in crime No. 166 of 2023 which is pending. Admittedly, there is a partition suit pending between the parties in O.S No. 173 of 2020 before the Civil Court. On perusal of the records as well as the statement given by the victim, it reveals that the petitioner was not present at the time of alleged occurrence place and also there is no prime facie evidence to shows that the petitioner was voluntarily restrained the victim on the date of alleged occurrence, therefore the reason assigned by the petitioner is justifiable and also there is no incriminating materials against the petitioner. Hence, C.C No. 38 of 2021 pending on the file of the Judicial Magistrate No.1, Sankari is hereby quashed.

6. In the result, this petition is allowed. No Costs. Consequentially connected miscellaneous petition is closed.

10.01.2024

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To



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The Public Prosecutor,
High Court, Madras.

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T.V.THAMILSELVI, J.

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