



CrI.O.P.No.9197 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:17.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.9197 of 2024

and

CrI.M.P.No.6459 of 2024

P.Sivabalan

.. Petitioner

/versus/

1.State represented by
The Inspector of Police,
Vikravandai Police Station,
Vikravandai,
Villupuram District 605 652.

2.Kumar

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned charge sheet in C.C.No.39 of 2023 on the file of the District Munsif cum Judicial Magistrate, Vikravandi and quash the same.

For Petitioner :Mr.Sivabalan-party-in-person

For Respondents :Mr.S.Udaya Kumar
Government Advocate
(CrI.Side) for R1
No appearance for R2



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ORDER

This Criminal Original Petition has been filed to quash the final report.

2. As a party-in-person the first accused is before this Court to quash the final report in C.C.No.39 of 2023 on the file of the District Munsif-cum-Judicial Magistrate, Vikravandi. The other accused in this case is none other than the brother of the petitioner. On the complaint given by one Kumar, the respondent police has registered First Information Report in Crime No.595 of 2022, dated 24.12.2022 and on completion of investigation, final report was filed against this petitioner and his brother Dhamodharan for the alleged offence punishable under Sections 294(b), 342, 323, 324, 506(2) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. Though several questions of fact have been raised in the ground of the petition to quash the final report, those points have to be agitated before the trial Court and not in the quash petition.



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3. This Court finds that there is a specific allegation in the petition that the said complaint was given only to prevent the petitioner from getting enrolled as an Advocate in the Bar Council of Tamil Nadu.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that there is enough material to proceed against this petitioner and therefore, the trial Court has taken cognizance of the offence and framed charges and now, the trial is under progress. Sofar three witnesses out of 15 witnesses have been examined. The learned Government Advocate (Crl.Side) also read certain portion of Section 161 statements of the witnesses which according to him if it is proved, the petitioner will be convicted.

5. Without advertng to the merits of the prosecution case, this Court finds that since there is *prima facie* material to proceed against the petitioner, this Court is not inclined to entertain the quash petition. Hence, this Criminal original Petition is dismissed with a direction to



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the trial Court to complete the trial within a period of five months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

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Index:yes/no
Neutral Citation:yes/no
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To:

- 1.The District Munsif cum Judicial Magistrate, Vikravandi.
- 2.The Inspector of Police, Vikravandai Police Station, Vikravandai, Villupuram District 605 652.



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DR.G.JAYACHANDRAN,J.

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