



Crl.O.P.No.3985 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2024

CORAM:

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

Crl.O.P.No.3985 of 2022
and
Crl.M.P.Nos.1941 & 1943 of 2022

1. Chitra
2. Elirasan

... Petitioners

Vs.

1. State by
Sub-Inspector of Police,
Pallapatti Police Station,
Salem City.
(Crime No.645 of 2014)

2. G.M.Kavitha
(R2 impleaded as per order
dated 13.10.2022 in Crl.M.P.
No.15512 of 2022)

.. Respondents

PRAYER : Criminal Original Petition filed under Sec.482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in C.C.No. 94 of 2018 trial on the file of learned Addl. Mahila Court (Magistrate Level), Salem and quash the same.



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For Petitioners : Mr.I.M.Siddartha Ramarajan

For Respondents : Mr. S.Vinoth Kumar
Govt. Advocate (Crl. Side) for R1

No appearance for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the criminal case in C.C.No. 94 of 2018 on the file of learned Addl. Mahila Court, (Magistrate Level), Salem.

2. Heard both sides.

3. The petitioners herein are the accused 1 and 2 in Crime No. 645 of 2014 based on the complaint given by 2nd respondent for an offence under Sec.341, 274 B and 506(ii) of I.P.C. The petitioners are mother and son and the complaint lodged the defacto complainant is the brother's wife of 1st petitioner. Both 1st petitioner Chitra and 2nd respondent/defacto complainant Kavitha are advocates by profession. Already there was a civil dispute pending with regard to the family property.



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C.C.No.94 of 2018 against petitioners as such is totally vexatious one and the same is liable to be quashed. To prove their contentions, the learned counsel produced the discharge summary of 1st petitioner, which would reveals that she was admitted in the hospital and taken treatment from 10.12.2014 to 13.12.2014 i.e. for 3 days. When she was admitted in hospital, her complaint was closed as mistake of fact, on the other hand, she was implicated in this case, it would clearly shows that it is a vexatious claim. Only out of vengeance, the complaint was filed. Hence, the proceedings initiated against the petitioners is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the proceedings pertaining to the criminal case in C.C.No.94 of 2018 pending on the file of learned Addl. Mahila Court (Magistrate Level), Salem is quashed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

08.01.2024

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order

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To

1. Sub-Inspector of Police,
Pallapatti Police Station,
Salem City.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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