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Crl.O.P.No.7585 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.7585 of 2022

and

Crl.M.P.Nos.4381 & 4382 of 2022

Deepalakshmi

... Petitioner

Vs.

1. State rep. By

The Sub- Inspector of Police (L & O)

N-3, Muthialpet Police Station,

Chennai – 600 001.

2.Vidhya

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to CC.No.318 of 2022 pending on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai and quash the same.

For Petitioner

: Mr.R.Jayaprakash

For R1

: Mr.S.Vinoth Kumar

Government Advocate (Crl.Side)

For R2

: Mr.A.Kandhan

ORDER

The petitioner has filed this petition to quash the CC.No.318 of 2022 pending on the file of the XVI Metropolitan Magistrate Court, George



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Town, Chennai, having been taken cognizance for the offences punishable under Sections 294(b) & 324 of IPC, 1860.

2. The case of the prosecution is that on 28.12.2019 the defacto complainant and her daughter were visiting her aunt, at the time the petitioner came and assaulted them. Hence, the complaint.

3. The learned counsel for the petitioner submitted that there was a civil dispute pertaining to the family property, so the defacto complainant lodged a false complaint against her and it was registered in Crime No.361 of 2019 on the file of the 1st respondent and the same was taken on file in C.C.No.318 of 2022 before the learned XVI Metropolitan Magistrate, George Town, Chennai and the same is pending adjudication. He also submitted that counter complaint also given against the defacto complainant in Crime No.362 of 2019 and the same was taken on file in C.C.No.1381 of 2022 pending before the learned XVI Metropolitan Magistrate, George Town, Chennai. He further submitted that there is no basic ingredient to attract the provisions of 294(b) & 324 of IPC. He also submitted that both the petitioner and the de-facto complainant have compromised their issues



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and submitted that they will not proceed with the complaint against each other. To that effect they have filed an affidavit before this Court.

4. Based upon the undertaking affidavit given by the petitioner and the defacto complainant/ R2, that they are going to proceed with the complaint filed by the defacto complainant in Crime No.361 of 2019 against the petitioner in C.C.No.318 of 2022 and the counter complaint lodged by the petitioner in Crime No.362 of 2019 against the defacto complainant / R2 in C.C.No.1381 of 2022 are hereby ordered to be quashed.

5. Accordingly, this Criminal Original Petition is Allowed. The affidavit filed by the petitioner and 2nd respondent shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

14.02.2024

Index: Yes/ No
Neutral Citation: Yes/No

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T.V.THAMILSELVI, J.

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