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Crl.O.P.No.8562 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8562 of 2022
and
CrIM.P.Nos.5002 & 5003 of 2022

A.Karthick

... Petitioner

Vs.

1.The State Rep by its,
Inspector of Police,
Siruvalur Police Station,
Erode District.
Crime No.78 of 2021

2. V.Rajesh

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.37 of 2022 on the file of the Judicial Magistrate No.1, Gobichettipalayam and quash the same.

For Petitioner	: Mr.K.Myilsamy
For R1	: Mr.S.Vinoth Kumar
	Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the proceedings in C.C.No.37 of 2022 on the file of the Judicial Magistrate No.1 at Gobichettipalayam as



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against the petitioner, having been taken cognizance for the offence under Sections 294(b), 323, 325 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

2. The case of the prosecution is that the petitioner and the 2nd respondent are friends and neighbour. The 2nd respondent married with one Sumaya and there were some money disputes between the petitioner and the 2nd respondent. On one occasion the petitioner presented six T-shirts to the 2nd respondent. Due to some mis understanding the petitioner demanded to return of his T-shirts, due to which there was a wordy quarrel between them. The petitioner abused the complainant in filthy language and also assaulted the defacto complainant, thereby he sustained grievous injuries. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is working as Engineer at Bangalore. Based on the false complaint given by the defacto complainant / R2, he was falsely implicated in this case. He further submitted that for Constituting an offence under Section 294(b) of IPC, the alleged incident occurred in public and therefore the said provision



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will not be attracted. The ingredients under Section 325 of IPC was not satisfied, the 2nd respondent was suffered abrasion and not any permanent disability or any other injury as defined under Section 320 of IPC. The same is evident from the Doctor and the statement of Doctor as LW10. Hence, he prays to quash the proceedings.

4. The learned Government Advocate (Crl. Side) appearing for the 1st respondents submitted that on the date of the alleged occurrence, the petitioner harassed the wife of the defacto complainant in public place and also assaulted the defacto complainant and thereby he sustained injury. Based on the complaint, FIR was registered in Crime No.78 of 2021 for the offences under Sections 294(b), 323, 325 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and the final report was laid in C.C.No.37 of 2022 before the learned Judicial Magistrate No.I, Gobichettipalayam.

5. On a perusal of the records, it reveals that the defacto complainant and the petitioner are friends and they are living in opposite house. Now the defacto complainant shifted his house and the petitioner is also residing at



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Bangalore due to the job opportunity. There is no material evidence on the side of the prosecution and also no specific overt act against the petitioner and the alleged occurrence was happened in the public and most of the witnesses are closely associated with the defacto complainant all were neighbours in the locality. The alleged occurrence happened in front of the house, but not in public view. There is no medical proof that the defacto complainant sustained grievous injuries. So there is no prima facie material to prosecute.

6. Considering the facts and circumstances, this Court is inclined to quash the proceedings in C.C.No.37 of 2022 on the file of the Judicial Magistrate No.1 at Gobichettipalayam.

7. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous petitions are closed.

19.01.2024

Speaking Order/ Non Speaking Order
Index: Yes/ No
Neutral Citation: Yes/No
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To
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- 1.The Inspector of Police,
Siruvalur Police Station,
Erode District.
- 2.The Public Prosecutor,
High Court of Madras.
- 3.The Judicial Magistrate No.1
Gobichettipalayam.



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T.V.THAMILSELVI, J.

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and
CrlM.P.Nos.5002 & 5003 of 2022

19.01.2024