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Crl.O.P. No.20106 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

CORAM :
THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P. No.20106 of 2024 and Crl.M.P. Nos.11660 & 11662 of 2024

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|---|---|-------------|
| 1 | Rajendran | |
| 2 | Aruvi @ Arivu Selvi | Petitioners |
| | vs. | |
| 1 | State of Tamil Nadu
represented by the Inspector of Police
Hogenakkal Police Station
Dharmapuri District 636 810 | |
| 2 | Madhammal | Respondents |

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records of proceedings in C.C. No.6 of 2024 on the file of the Judicial Magistrate Court, Pennagaram and quash the same.

For petitioner Ms. P. Leelavathi

ORDER

This criminal original petition has been filed to quash the case in C.C. No. 6 of 2024 on the file of the Judicial Magistrate Court, Pennagaram.

2. On a perusal of the final report, it is evident that on account of a property dispute between the respondent/*de facto* complainant and her



brothers and some others in their family, a quarrel had erupted on 23.11.2022 near the house of the respondent/*de facto* complainant, in which, the respondent/*de facto* complainant had been attacked, due to which, she had been hurt.

3. The learned counsel for the petitioners submitted that the materials collected during the course of investigation do not disclose any cognizable offence, particularly, any offence attracting Sections 147 and 148 IPC for which the essential ingredient is common object. He further submitted that the accident register discloses only simple injuries sustained by the respondent/*de facto* complainant and not grievous injuries.

4. *Per contra*, the learned Government Advocate (Crl. Side) submitted that the statement of witnesses would disclose that the first petitioner (A1), second petitioner (A6) and some others had assembled unlawfully near the house of the respondent/*de facto* complainant where masonry work was going on. There was also a wordy quarrel leading to abuse in filthy language and restraint besides causing hurt to the respondent/*de facto* complainant.



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Crl.O.P. No.20106 of 2024



5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) and also perused the materials placed on record.

6. Since *prima facie* materials are available to proceed against the petitioners for the cognizable offence committed by them, this is not a fit case to quash the prosecution, notwithstanding the fact that the respondent/*de facto* complainant and the first petitioner are siblings.

In the result, this criminal original petition is dismissed. Connected Crl.M.Ps. are closed.

21.08.2024

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DR. G. JAYACHANDRAN, J.

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