



Crl.O.P.No.7527 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:12.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7527 of 2024
and
Crl.M.P.Nos.5469 & 5471 of 2024

Mohanavel @ Mohan

.. Petitioner

/versus/

1.The State represented by Inspector of Police,
T-11, Somangalam Police Station,
Tambaram District.
Crime No.174/2023.

2.Prabha

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in connection with C.C.no.264 of 2023 dated 26.09.2023 on the file of learned Judicial Magistrate, Sriperumbudur and quash the same as illegal and improper.

For Petitioner :Mr.S.Sararish

For Respondents :Mr.K.M.D.Muhilan
Government Advocate
(Crl.Side) for R1



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ORDER

The petitioner herein seeks to quash the final report pending on the file of the Judicial Magistrate, Sriperumbudur.

2. Referring the statement under Section 161 of Cr.P.C of the prosecution witnesses, the learned counsel appearing for the petitioner submitted that the alleged use of abusive language was, even according to the statements, made inside the house and not in the public place and further, the statement of the witnesses are not believable to attract Sections 294(b) and 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3. Further, the learned counsel appearing for the petitioner submitted that the petition filed to discharge has been returned as not maintainable by the trial Court. Hence, he has approached this Court under Section 482 of Cr.P.C.



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4. This Court finds that the trial Court shall entertain the discharge petition and dispose it on merits. The petition under Section 482 of Cr.P.C to quash the final report is not appropriate, as far as this case is concerned. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

12.04.2024

Index:yes/no

Neutral Citation:yes/no
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To:

1. The Inspector of Police, T-11, Somangalam Police Station,
Tambaram District.

2. The Judicial Magistrate, Sriperumbudur.



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DR.G.JAYACHANDRAN,J.

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