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Crl.O.P.No.13861 of 2024
& Crl.M.P.No.8440 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.13861 of 2024
& Crl.M.P.No.8440 of 2024

1. C.Nagarajan.
2. C.Rajendra Boopathy.
3. N.Sasikala. ... Petitioners/Accused

/versus/

1. State Rep. by,
The Inspector of Police,
Tiruvannamalai East Police Station. ... Respondent/Complainant

2. Santhi. ... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings herein C.C.No.75 of 2023 pending on the file of Additional Mahila Court, Tiruvannamalai.

For Petitioner : Mr.P.Mathanraj

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

For R2 : No appearance



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ORDER

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This petition is filed to quash the final report which is culminated in taking cognizance in C.C.No.75 of 2023 on the file of Additional Mahila court, Thiruvannamalai for offence under Section 294(b), 352, 427 and 506(1) of I.P.C.

2. The Learned Counsel for the petitioners submit that even if the statement of witnesses are interested witnesses, it has to be taken as true and proved, for want of recovery of the alleged material removed and substantive evidence to satisfy the ingredient of offences under Section 352 and 427 of I.P.C., are not available and therefore, the complaint is liable to be quashed.

3. The Learned Counsel for the petitioners submit that there are certain contradictions between the F.I.R and the statements. There is no material evidence such as the property (stone) damaged or removed, the value of the property and recovery of it. He would further submit that while the petitioners in possession of the property under a valid document, to grab the same, the complaint been orchestrated and therefore, has to be quashed.

4. The Learned Government Advocate (Crl.Side) for the 1st



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respondent submits that the Investigating Officer has not recovered the material objects in the course of investigation but that will not face the alleged offence under Section 427 of I.P.C., and even without corpus delicti offence can be proved through other evidences. He would further submit that the statement of witnesses have the ingredient to attract offences under Section 294 (b), 352, 427, 506(i) of I.P.C and therefore, it is not fit case to quash without trial.

5. This Court, on perusing the statements filed along with the final report concur with the submissions made by the Learned Government Advocate (Crl.Side). Since, there is *prima facie* material to satisfy the ingredients, it is matter to be proved in the course of trial and evidence available cannot be summarily appreciated and adjudicated. Any observation made by this Court shall not prejudice the Court below while considering the case after completion of trial.

6. With the above observation, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.



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Index : Yes/No.
Neutral Citation : Yes/No.
bsm

Copy to:-

1. The Additional Mahila Court, Thiruvannamalai.
2. The Inspector of Police, Tiruvannamalai East Police Station.
3. The Public Prosecutor, High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN, J.

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