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Crl.O.P.No.18799 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.18799 of 2022

and

Crl.M.P.Nos.12423 & 12424 of 2022

U.Archana

... Petitioner

Vs.

1.The State rep. by
Inspector of Police,
Sadras Police Station,
Chengalpattu District.

2.Saraswathi

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records and quash the final report in STC.No.12 of 2022 pending before the learned Judicial Magistrate, Thirukazhukundram, on the file of the respondent police.

For Petitioner : Mr.G.Saravanabhavan

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

ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in STC.No.12 of 2022 pending before the learned Judicial



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Magistrate, Thirukazhukundram, in which cognizance was taken for the offence punishable under Sections 294(b), 323, 506(i) of IPC.

2. The case of the prosecution is that the petitioner and other accused persons abused the defacto complainant in filthy language, assaulted her with hands causing injuries, and also gave life threats to her. Hence, the complaint.

3. The learned counsel for the petitioner argued that following the death of the petitioner's husband, a dispute arose regarding the division of the property between the defacto complainant and her mother-in-law. On the day of the alleged incident, there was a heated argument, but the petitioner was falsely implicated in this case, and she has not committed any such offense as alleged by the defacto complainant.

4. Upon thorough examination of the final report, it appears that all witnesses are close relatives of the defacto complainant, with no independent witnesses from the public corroborating the petitioner's alleged abuse and attack on the defacto complainant in a public setting.



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Furthermore, most of the witnesses are relatives of the de facto complainant, and the petition lacks essential elements. Although the petitioner is accused of engaging in verbal abuse and physical assault, there is no evidence to support these claims in a public context, nor are there independent witnesses from the public. Thus, the petition's initiation appears vexatious. Already, Civil dispute is pending in respect of the property between the involved parties.

5. Therefore, this Court is inclined to quash the proceedings in STC.No.12 of 2022 pending before the learned Judicial Magistrate, Thirukazhukundram.

6. Accordingly, this Criminal Original Petition is allowed and Consequently, the connected miscellaneous petitions are closed.

29.02.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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T.V.THAMILSELVI, J.

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To

1.The Judicial Magistrate
Thirukazhukundram.

2.The Inspector of Police,
Sadras Police Station,
Chengalpattu District.

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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