



Crl.O.P.No.16034 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.16034 of 2024

and

Crl.M.P.No.9773 of 2024

1.Chithra

2.Ezilarasan

... Petitioners

Vs.

1.The State Rep.by

The Inspector of Police,

Pallapatti Police Station,

Salem.

2.Valli

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in C.C.No.723 of 2023 pending on the file of the Additional Mahila Court, Salem till the pending disposal of the above Criminal Original Petition.

For Petitioners : Mr.I.M.Siddartha Ramarajan

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

ORDER

This Criminal Original Petition is filed to quash the C.C.No.723 of 2023 on the file of the Additional Mahila Court, Salem on the ground



CrI.O.P.No.16034 of 2024

that there is a civil dispute pending between the 1st petitioner and her brother which is now pending before the Hon'ble Supreme Court.

Through the defacto complainant Valli, the brother of the petitioner has given a false complaint which has been culminated into C.C.No.723 of 2023.

2. The learned counsel appearing for the petitioner submits that the police complaint which was given against this petitioner in the year 2014 has ended in acquittal and second complaint given was taken on file by the Mahila Court in C.C.No.94 of 2018 and the same was quashed by this Court by an order dated 08.01.2024.

3. The learned counsel for the petitioner submits that the first petitioner's brother Mayilvel in order to settle the civil dispute had set up various persons to lodge similar complaints and this is the third complaint of that nature. The first complaint is of the year 2014 in Crime No.366 of 2014 was initiated by one Nabeesh, son of Valli and that case ended in acquittal vide judgment dated 25.10.2017. The second complaint registered in Crime No.645 of 2014 was initiated by one



Crl.O.P.No.16034 of 2024

Kavitha that came to be quashed by this Court on 08.01.2024. This is the third complaint initiated by Valli which has been culminated in C.C.No.723 of 2023. All the three complainants are closely related to Mayilvel, the brother of the 1st petitioner. Since there is no material to proceed against this petitioner, case has to be quashed.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that pursuant to the complaint given by Valli, a stick measuring 1.6 m which alleged caused injury was seized. Further, there are adequate evidence by way of statement of witnesses about the incident which attracts offence under Sections 294 b, 323 & 506 (2) IPC. Therefore, he submit that the dismissal of the earlier complaint or quash of the earlier complaint shall not be the ground to quash this present complaint, which is supported by *prima facie* material to proceed against this petitioner.

5. On perusing the statement of witnesses, this Court finds that there is *prima facie* material available to proceed against these petitioners. The state of previous complaints against the petitioner cannot



Crl.O.P.No.16034 of 2024

be the ground to quash the present complaint which discloses commission of cognizable offence for trial. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

09.07.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1. The Additional Mahila Court, Salem

2. The Inspector of Police,
Pallapatti Police Station,
Salem.

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



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CrI.O.P.No.16034 of 2024

Dr.G.JAYACHANDRAN,J.

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CrI.O.P.No.16034 of 2024

09.07.2024