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Crl.O.P.No.27768 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.27768 of 2022

and

Crl.M.P.No.17080 of 2022

1.Mohanraj
2.Balakrishnan
3.Kathiravan
4.Shankar
5.Mohamed Rizwan
6.Sivaraj

... Petitioners

Vs.

1.The State rep. By
The Inspector of Police,
Meensuruty Police Station,
Ariyalur.
(Crime No.546 of 2021)

2. Vijay

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the charge sheet in PRC.No.8 of 2022 on the file of the Judicial Magistrate-II, Jeyamkondam, Ariyalur and to quash the same.



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For Petitioners : Mr.S.Kasirajan
For R1 : Mr.S.Vinoth Kumar
Govt. Advocate (Crl.Side)
For R2 : Mr.N.Baskaran

ORDER

The petitioners have filed this petition to quash the charge sheet in PRC.No.8 of 2022 on the file of the Judicial Magistrate-II, Jeyamkondam, Ariyalur, having been taken cognizance for the offences punishable under Sections 109, 147, 148, 294(b), 341 and 307 of IPC.

2. The petitioners 1 to 5 are in-laws of the defacto complainant's sister and the marriage between Selvaraj / A6 and the defacto complainant's sister Viz., Arthi was solemnized in the year 2020. Thereafter, due to matrimonial disputes A6 abused the defacto complainant and his family members with filth languages. Thereafter, complaint was lodged in the All Women Police Station, Chidambaram against the petitioners. Under this circumstance, the A6 herein has filed a HMOP on the file of the Subordinate Court, Chidambaram for divorce. He further submitted that, only to harass the petitioners the respondent instituted this case, it is nothing but clear abuse of process of law. Hence, he prays to quash the PRC proceedings.



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3. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that based on the complaint lodged by the defacto complainant, the case was registered in Crime No.546 of 2021 by the 1st respondent police for the alleged offences under Section 147, 148,294(b), 341 and 307 of IPC. Subsequently investigation was completed and charge sheet also filed in PRC.No.8 of 2022, before the learned Judicial Magistrate No.II, Jayamkondam, Ariyalur District. Due to mis-understanding on the date of alleged occurrence, the defacto complainant lodged the complaint against the petitioners. He also submitted that now A6 and the sister of the defacto complainant / Arthi living together with their child at abroad, to that effect he produced the passport, viza, photo and other particulars.

4. On a perusal of the records, it reveals that the petitioner / A6 is working at Singapore and living along with his wife R2's sister and child, on the alleged date, there was a wordy quarrel among the family members, but now the couples were living together at abroad. Therefore, the offences against the petitioners are frivolous one. On Considering the present circumstance, this Court is inclined to quash the proceeding in PRC.No.8 of 2022, on the file of the Judicial Magistrate No.II, Jeyamkondam, Ariyalur.



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5. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petition is closed.

02.02.2024

Index: Yes/ No

Neutral Citation: Yes/No

rri

To

1. The Inspector of Police,
Meensuruty Police Station,
Ariyalur.
(Crime No.546 of 2021)

2.The Public Prosecutor,
High Court of Madras.

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