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CrI.O.P.No.24211 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

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

CrI.O.P.No.24211 of 2024

and

CrI.M.P.No.13637 of 2024

1.Najina Banu
2.Mohamed Jakkiriya
3.Mohamed Achdar Sultan

... Petitioners

Vs.

M.Thilsathbegam

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to call for the records relating to C.C.No.90 of 2023 pending on the file of the learned Judicial Magistrate Court No.1, Vridhachalam and quash the same.

For Petitioners : Mr.T.Sivgnanasambandan

ORDER

This Criminal Original Petition is filed to quash the private complaint taken cognizance by the Judicial Magistrate for offence under Sections 294(b), 323 and 506(i) IPC.



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The learned counsel appearing for the petitioners strenuously argued that for attracting offence under Section 294(b) IPC, the offence ought to have been occurred in a public place, whereas, there is no reference about the place of occurrence or time of occurrence. Hence the private complaint has to be quashed.

3. The scrutiny of the complaint as well as the impugned order of the trial Court based on the statement of witnesses indicates that on 28.01.2023 at about 6.30 p.m., Najina Banu had come to the next house of the complainant and started abusing the complainant. In this connection on 01.03.2023, the complainant has gone to the police station and given a complaint, for which, the police has given C.S.R.No.131 of 2023. Since the police has not properly investigated the matter, the complainant has approached the Magistrate by way of a private complaint. The complaint clearly indicates that the accused has gone to attend a function organized in the next house of the complainant and at that point of time, the incident has occurred in a public view and therefore, the content raised by the petitioner to quash the complaint is not sustainable. Hence this Criminal Original Petition is dismissed.



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Consequently, the connected Criminal Miscellaneous Petition is closed.

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To

The Judicial Magistrate Court No.1, Vridhachalam

Dr.G.JAYACHANDRAN,J.

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