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CrI.O.P.No.28808 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

CrI.O.P.No.28808 of 2022

and

CrI.M.P.No.17647 of 2022

1.Lilly
2.Stalin

... Petitioners

Versus

1.The State Represented by
Inspector of Police,
Polur,
Tiruvannamalai District.

2.Vijaya

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records relating to C.C.No.133 of 2019, pending on the file of the Judicial Magistrate, Polur and to quash the same.

For Petitioners	: Mr.A.Gouthaman
For R1	: Mr.S.Vinoth Kumar
	Government Advocate (CrI.Side)
For R2	: No appearance

ORDER

This petition has been filed to quash the proceedings in C.C.No.133 of 2019, pending on the file of the Judicial Magistrate, Polur, as against the



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petitioners, having been taken cognizance for the offences under Sections 294(b), 324, 323, 506(ii), 307 of IPC and Section 4 of Prohibition of Harassment of Women Act, 2002.

2. The case of the prosecution is that the defacto complainant, A1 and A2 are adjacent house owners. On 31.03.2015, when the 2nd respondent was cleaning her vessels opposite to her house. The A1 and A2 came with knife and Axe and started to hit with weapon by scolding in unparliamentary words. Thereafter, the petitioners abused and attacked the defacto complainant by their legs and she sustained injuries, she was taken by her husband for treatment at Vellore Medical College Hospital. On 01.04.2015, the 1st respondent has taken statement from the 2nd respondent and registered the case in Crime No.155 of 2015 for the offences punishable under Sections 294(b), 324, 323, 506(2), 307 of IPC and Section 4 of Prohibition of Harrassment of Women Act, 2002.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offences committed by the defacto complainant. In order to harass the petitioners, the 2nd respondent gave a false complaint. Hence, he prays to quash the proceedings against the petitioners.



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

respondent submitted that there was a dispute regarding usage of channel between the defacto complainant and the petitioners. The petitioners abused and attacked the defacto complainant with their legs and thereby she sustained injuries. Based on the complainant lodged by the defacto complainant, FIR has been registered in Crime No.112 of 2015 against the petitioners and others and the case has been taken on file in C.C.No.133 of 2019, pending on the file of the Judicial Magistrate, Polur.

5. On a perusal of the FIR, it reveals that there was a dispute between the petitioners and defacto complainant in respect of sewage water, admittedly the petitioners are neighbours of the defacto complainant and there is no material evidence, that the defacto complainant sustained grievous injuries. Furthermore, as per the statement of the defacto complainant, A1 alone attacked her and there is no material evidence against the petitioners (A3,A4). Hence, this Court is inclined to quash the proceeding in C.C.No.133 of 2019, pending on the file of the Judicial Magistrate Porur.

T.V.THAMILSELVI, J.



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6. Accordingly, this Criminal Original Petition is allowed.

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Consequently, connected miscellaneous petition is closed.

20.02.2024

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation:Yes/No

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To

1.The Inspector of Police,
Polur, Tiruvannamalai District.

2.The Public Prosecutor,
High Court of Madras.

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and

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