



Crl.O.P.No.25705 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.08.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.25705 of 2023

and

Crl.M.P.Nos.17838 and 17835 of 2024

G.harish

2.Gopal

.. Petitioners

/versus/

1.State rep:

Inspector of Police,

B-1, North Beach Police Station,

Chennai.

(Crime No.1177 of 2017)

2.Mrs.Sharmila

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the entire records pertaining to C.C.No.673 of 2023 on the file of the Court of the learned VII Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners

:Mr.R.Krishnakumar

For R1

:Mr.K.M.D.Muhilan

Govt.Advocate(Crl.Side)

For R2

:No appearance



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ORDER

The first petitioner is the husband of the defacto complainant and the second petitioner is the father in law of the defacto complainant. There is a matrimonial dispute between the defacto complainant and the first petitioner. Therefore, they called for enquiry by the Social Welfare Officer on 11.09.2017. At that time, the first petitioner and the defacto complainant had engaged in wordy quarrel, which later led to physical assault and abuse. Hence, the case in crime No. 1177 of 2017 registered for the offence under Sections 294(b) and 323 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The learned counsel appearing for the petitioners submitted that the defacto complainant being very influential person and having political connection making use of it given plenty of complaints against the petitioner making frivolous allegation and they are driven from pillar to post. Out of frustration, on the day when there was an enquiry at the Social Welfare Office, the first petitioner questioned the defacto complainant and her mother, why they are torturing him by giving



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various complaints at various stations. At that time, there was a wordy quarrel. But, nothing happened as alleged in the First Information Report and this can be well fortified from the statement of the independent witness. Hence, the learned counsel appearing for the petitioner states that this frivolous complaint need to be quashed which culminated in filing of final report.

3. At the same time, the petitioner gave a complaint to the Flower Bazaar Police Station for the allegation that the second respondent/defacto complainant and her parents started to quarrel with him and snatched away his bracelet and cellphone. But the respondent has not proceeded on his complaint and assigned C.S.R.No.859 of 2017. The affidavit filed in support of the petitioner reveals that the first petitioner and the defacto complainant got married on 23.11.2015. Within two years, there was conflict between them. The first CSR was registered by M.K.B.Nagar Police Station on 08.08.2017 in C.S.R.No.480 of 2017. Later, the petitioner has filed an application for divorce before the Family Court and the same is pending. The mother of



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the petitioner herein has approached this Court for direction to register her complaint against the defacto complainant and her family. Meanwhile, the Welfare Protection Officer has called the parties for enquiry on 11.09.2017, on that day the alleged incident was taken place.

4. It is the case of the first petitioner that he sustained fracture and the police has not taken note of it. Further, it is also stated that another First Information Report came to be registered by All Women Police Station, Washermanpet, Chennai, in Crime No.10 of 2017 as against the mother, brother and maternal uncle. The defacto complainant has also filed protection petition under domestic violence and the same is pending before the XV Metropolitan Magistrate, George Town, Chennai in D.V.C.No.56 of 2017. But, the said complaint was later quashed by the High Court. Stating these facts, the petitioner seeks to quash the case in C.C.No.673 of 2023, which was culminated from Crime No.1177 of 2017.



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5. This Court on perusing the records and hearing the arguments made by the learned counsels finds that the presence of these two petitioners on 11.09.2017 at the 8th Floor of the Chennai Collectorate Office is admitted. The man handling and quarrel between them has been seen by the witnesses and they have spoken about it. The abusive word used by the first petitioner attracts the offence under Section 294(b) of IPC. The defacto complainant Sharmila has sustained injury which attracts the offence under Section 323 of IPC. Since *prima facie* material is available, the police has filed final report and the matter has been pending trial. This Court is not inclined to interfere with the trial.

6. Hence, this Criminal Original Petition is dismissed. However, the observation made by this Court shall not prejudice the trial Court, while deciding the case on merits. Consequently, connected Miscellaneous petitions are closed.

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Index:yes/no
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To:

1. VII Metropolitan Magistrate, George Town, Chennai .
- 2.The Inspector of Police, B-1, North Beach Police Station, Chennai.
- 3.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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