



Crl.O.P.(MD) No.2179 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.2179 of 2024
and
Crl.M.P.(MD)Nos.1669 and 1670 of 2024

1.K.Alagan

2.A.Chinnammal

...Petitioners

VS

1.State represented by
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.

2.S.Muthu Lakshmi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the entire records connected with C.C.No.332 of 2022 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District and to quash the same as illegal.

For Petitioners : Mr.S.Latha
For R1 : Mr.M.Veeranthiran
Government Advocate (crl.side)



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ORDER

The Criminal Original Petition had been filed seeking to quash the charge sheet in C.C.No.332 of 2022 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District.

2.The learned Counsel for the Petitioners submitted that the Petitioners herein are arraigned as A4 and A5, who are none other than the brother of the *de-facto* Complainant's husband and the co-sister of the *de-facto* Complainant. The names of A4 and A5 had been wantonly roped in. There are no specific overt acts against the Petitioners herein by the second Respondent/*de-facto* Complainant. He further submitted that omnibus allegations are made against the Petitioners. He further submitted that the residence of the Petitioners herein are far away from the matrimonial home of the *de-facto* Complainant and hence, in order to cause harassment, the Petitioners herein are unnecessarily roped in by the second Respondent.

3.Even though notice was issued to the *de-facto* Complainant and the name of the *de-facto* Complainant is printed in the cause list, the *de-facto*



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Complainant had not appeared or engaged a Counsel.

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4.It is to be noted that the Petitioners are residing far away from the matrimonial home of the *de-facto* Complainant. Still the *de-facto* Complainant had wantonly roped in them causing harassment to the Petitioners. The charge sheet had been filed after the period of limitation for the offence under Section 498A of IPC, in which the punishment is three years. Considering the date of filing of the charge sheet and the date of the filing of the FIR, the points raised by the learned Counsel for the Petitioner are justified.

In the result, the ***Criminal Original Petition*** is allowed and the charge sheet in C.C.No.332 of 2022 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District, in so far as the Petitioners are concerned. Consequently, connected Miscellaneous Petitions are closed.

Internet :Yes/No
Index :Yes/No
NCC :Yes/No

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To

1.The Judicial Magistrate, Thirumangalam, Madurai District.

2.The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.



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SATHI KUMAR SUKUMARA KURUP, J.

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