



CrI.O.P.(MD)No.3813 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD) No.3813 of 2024 and
CrI.MP(MD) Nos.3009 and 3010 of 2024

1. Lenin
2. Kavitha

... Petitioners

Vs

1.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(in Crime No.819 of 2021)

2.Raja

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case registered in impugned charge sheet in CC.No.228/2022 on the file of the learned Judicial Magistrate Additional Mahila Court Ramanathapuram District in Connection with Cr.No.819 of 2021 on the file of the first respondent police and quash the same insofar as the petitioners are concerned.

For Petitioners
For R1

: Mr.B.Arun
: Mr.P.Kottaichamy
Government Advocate(CrI.side)



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ORDER

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This Criminal Original Petition is filed to quash the proceedings in CC.No.228/2022 on the file of the Judicial Magistrate Additional Mahila Court, Ramanathapuram District insofar as the petitioners are concerned.

2.The case of the prosecution is that there is a dispute between the defacto complainant and the first petitioner, who are the neighbors. The first petitioner has damaged the wall belongs to the defacto complainant and when the same was questioned by him, the petitioners have scolded the defacto complainant in filthy language and assaulted the defacto complainant and his mother, thereby they have sustained head injury. Therefore, a case in Crime No.819 of 2021 has been registered as against the accused persons for the offence under Sections 294(b), 324, 506(ii) and 323 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and the same was taken on file in CC No.228 of 2022 by the Judicial Magistrate, Additional Mahila Court, Ramanathapurarm District.



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3.The learned Counsel for the petitioners has raised various grounds to quash the above proceedings that due to previous enmity, a false complaint has been lodged, based on which, a criminal case has been registered as against the petitioners.

4.Mr.P.Kottaichamy, learned Government Advocate (Crl.side), who takes notice for the official respondent strongly objects for quashing the proceedings in CC No.228 of 2022 and submits that the grounds raised by the petitioner is a matter for trial.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the first respondent.

6.Though the petitioner has raised several grounds, this Court is of the opinion that it can be appreciated only during the trial. Therefore, this Court is not inclined to entertain this petition and accordingly, this Criminal Original Petition is dismissed. However,

<https://www.mhc.tn.gov.in/judis> liberty is granted to the petitioner to raise all these grounds before the



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trial Court, during trial. Consequently, connected miscellaneous petitions are closed.

23.04.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

vrn

To

- 1.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
CrI.OP(MD) No.3813 of 2024 and
CrI.MP(MD) Nos.3009 and 3010 of 2024

23.04.2024