



CrI.O.P. (MD)No.5796 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.5796 of 2024
and
CrI.M.P.(MD)Nos.4401 and 4402 of 2024

Subbulakshmi,

... Petitioner

Vs

The State represented by
1. The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.
(Crime No.26/2023).

2. Muthukumar,

... Respondents

PRAYER: Petition filed under Section 482 Cr.P.C. seeking to call for the records relating to impugned Charge Sheet in S.T.C.No.261 of 2023 pending on the file of the learned Judicial Magistrate, Sathankulam and Quash the same.



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For Petitioner : Mr.S.Vishnuvardhan
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner has filed this petition, seeking to quash the proceedings in charge sheet in S.T.C.No.261 of 2023 on the file of the learned Judicial Magistrate, Sathankulam.

2. The case of the prosecution is that the defacto complainant went to measure the land in S.F.No.436/4 and 436/5 of Meignanapuram Village, Thoothukudi District, as he was appointed as Advocate Commissioner by the learned Sub-Judge, Trichendur, in connection with the case in I.A.No. 551 of 2017 in O.S.No.50 of 1982 to measure the land. At that time, the petitioner had prevented him from discharging his duty, threatened him by inducing her dog and abused him using filthy language. Hence the case.

3.The learned Counsel for the petitioner submits that since there is no material against the petitioner that she has prevented the second respondent from discharging his duty, the offence under Section 353 of IPC will not



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attract against her. On perusal of the charge sheet, it is clear that there is no allegation against the petitioner, which attracts the offence under Section 294(b) IPC. Therefore, the proceedings in S.T.C.No.261 of 2023 is liable to be quashed.

4.The learned Government Advocate (Crl.Side) submits that it is a matter for trial and the petitioner can raise all these grounds before the trial Court.

5. Though the petitioner has raised several grounds, this Court is of the opinion that it can be appreciated only during the trial. Therefore, this Criminal Original Petition is dismissed with liberty to the petitioner to raise all these grounds before the trial Court, during trial. Consequently, connected miscellaneous petitions are closed.

17.04.2024

NCC : Yes / No.
Index : Yes / No.
Internet: Yes / No.
LR

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To

1. The Judicial Magistrate,
Sathankulam
2. The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

LR

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