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CrI.O.P.(MD) No.6018 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.6018 of 2024

and

CRL.M.P.(MD).Nos.4508 & 4510 of 2024

Francis Xavier

...Petitioner

Vs

1.The State represented by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Cr.No.340 of 2016)

2.Sahaya Librans Mery

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to this impugned Final Report in S.C.No.742 of 2023 on the file of the learned Assistant Sessions Court, Valliyoore and quash the same.

For Petitioner : Mr.V.Sasi Kumar

For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)



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ORDER

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The petitioner has filed this petition, seeking to quash the proceedings in S.C.No.742 of 2023 on the file of the learned Assistant Sessions Court, Valliyoor.

2. The case of the prosecution is that due to a civil dispute between the petitioner and the defacto complainant, the petitioner abused the defacto complainant in filthy language and also threatened her. Hence, the case has been registered against the petitioner.

3. The learned counsel for the petitioner submits that no offence is made out against the petitioner. Also, he submitted that the petitioner and the de-facto complainant's husband are brothers.

4. The learned Government Advocate (CrI.Side) appearing for the first respondent submits that it is a matter for trial and it can be raised before the trial Court.



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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 Criminal Original Petition is dismissed with liberty to the petitioner to raise all these grounds before the trial Court, during the trial. Consequently, the connected miscellaneous petitions are closed.

24.04.2024

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

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To

1. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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