



CRL.O.P (MD) No.9260 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.9260 of 2024

and

CRL.O.P.(MD)Nos.6327 & 6328 of 2024

Mohit Akash

... Petitioner

Vs

1. State rep. by
The Inspector of Police,
Kenikkarai Police Station
Ramanathapuram District.
(Crime No.343/2023)

2. Prabavathi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records pertaining to CC No.209 of 2023 pending on the file of the learned Additional Mahila Court, Ramanathapuram and quash the same as illegal as against the petitioner.

For Petitioner : M/S. Indrachithu.T

For R-1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)



WEB COPY



CRL.O.P (MD) No.9260 of 2024

ORDER

The petitioner has filed this petition, seeking to quash the proceedings in CC No.209 of 2023 on the file of the learned Additional Mahila Court, Ramanathapuram.

2. The case of the prosecution is that the petitioner and the defacto complainant's daughter were in love affair. Both the parents warned them and they separated them. On 09.08.2023 at about 09.00 a.m., while the defacto complainant was on the way to shop, the petitioner abused the defacto complainant in filthy language and slapped her and also threatened her. Hence, the case.

3. The case of the petitioner is that the occurrence had taken place on 09.08.2023, but the defacto complainant lodged the complaint before the respondent police on 10.08.2023. There is no commission of offences so as to attract the penal provisions and there are no ingredients to make out an offence under the sections mentioned in the final report. Hence the same is liable to be quashed.



CRL.O.P (MD) No.9260 of 2024

WEB COPY

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

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.

02.07.2024

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

3/4



WEB COPY



CRL.O.P (MD) No.9260 of 2024

B.PUGALENDHI, J.

jbr

To

1. The Inspector of Police,
Kenikkarai Police Station
Ramanathapuram District.

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

CRL.O.P (MD) No.9260 of 2024

02.07.2024