



CRL.OP(MD). No.11072 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.12.2024**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP(MD). No.11072 of 2023

and

CRL.MP(MD). No.8799 of 2023

1.Abirami

2.Sathishkumar

3.Siva

4.Divya

... Petitioners/Accused 1 to 4

Vs.

1.The State rep by,
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
(Crime No.2009 of 2020)

... 1st Respondent /
Complainant

2.Balagokila

... 2nd Respondent /
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No.24 of 2022 on the file of the learned Judicial



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Magistrate, Vadipatti in connection with the Crime No.2009 of 2020 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.J.Jeyakumaran
For R1 : Mr.S.Ravi
Government Advocate
(Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.24 OF 2022 Pending on the file of the learned Judicial Magistrate, Vadipatti.

2. The 2nd respondent gave a complaint to the 1st respondent police stating that she is the younger sister of A1 and that she gave 15 poun of gold jewelry to A1 to enable her to pledge the same for the purpose of meeting the family expenses. Accordingly, the jewelry was pledged at State bank of India. Thereafter, A1 refused to return back the jewels and there was a dispute. On 30.11.2024 at about 19 hrs, when the defacto complainant was going towards a shop, the accused persons came to that place and started abusing the defacto complainant in filthy language and



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also attacked with hands and pulled her hair and also threatened her with dire consequences. Based on the complaint, an FIR came to be registered in Crime No.2009 of 2020. On completion of investigation, the police report was filed before the Court below and the same was taken cognizance for offence under Section 294(b), 323, 506(ii) of IPC and Section 4 of the TNPHW Act.

3. The name of the petitioner has been printed in the cause list and there is no appearance on the side of the petitioner. Heard the learned Additional Public Prosecutor appearing on behalf of the 1st respondent.

4. On carefully going through the materials placed before this Court and also considering the submission made by the learned Additional Public Prosecutor, this Court finds that there are sufficient materials to proceed further in this case with the trial. The defacto complainant, who was examined as LW1, has given a clear description of the manner in which the incident had taken place. The truth or otherwise of this incident cannot be determined in a quash petition and it can only be tested in the course of trial.



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5. In the light of the above discussion, this Court does not find any ground to interfere with the proceedings pending before the Court below. Accordingly, this criminal original petition is dismissed and there shall be a direction to the learned Judicial Magistrate, Vadipatti to dispose of C.C.No.24 of 2022 within a period of 4 months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

05.12.2024

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

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

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N.ANAND VENKATESH,J.

pal

Order made in
CRL.OP(MD). No.11072 of 2023

05.12.2024