



Crl.O.P.(MD) Nos.13233 & 14355 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) Nos.13233 & 14355 of 2021

and

Crl.M.P.(MD) Nos.6822, 7522 & 7524 of 2021

S.Radhika

... Petitioner in
Crl.O.P.(MD) No.13233/21

C.Saravanan

... Petitioner in
Crl.O.P.(MD) No.14355/21

Vs.

1.The State represented by
The Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.
(In Crime No.45 of 2018)

2.Pavithra

... Respondents in
both Crl.O.Ps.

Common Prayer: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records pertaining to the charge sheet in C.C.No.36 of 2021 on the file of the Judicial Magistrate Court, Devakottai and quash the same as far as the petitioners are concerned.



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For Petitioner
in both Crl.O.Ps. : Mr.R.Karunanidhi

For R1
in both Crl.O.Ps. : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R2
in both Crl.OPs. : Mr.S.Muniyandi

COMMON ORDER

Seeking to quash the final report in C.C.No.36 of 2021 on the file of the Judicial Magistrate Court, Devakottai, the present Criminal Original Petitions are filed.

2. The case of the prosecution is that on 13.09.2018, at about 07.00 a.m., the accused 1 to 5 unlawfully trespassed into the house of the second respondent (*de facto* complainant) Pavithra and abused her in filthy language and also threatened her with dire consequences. According to the prosecution, the accused further directed the *de facto* complainant Pavithra to vacate the house.

3. Based on the complaint given by the *de facto* complainant, the Sub-Inspector of Police, Velayuthapattinam Police Station registered F.I.R. in Crime No.45 of 2018 on 14.09.2018 against the accused for the



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offences punishable under Sections 147, 448, 294(b) and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. After concluding investigation, the Sub-Inspector of Police laid a final report in C.C.No.36 of 2021 before the Judicial Magistrate Court, Devakottai for the aforesaid offences.

4. Mr.R.Karunanithi, learned counsel for the petitioners would contend that the *de facto* complainant's husband and the first accused are brothers and that there is a civil dispute between them with regard to the house in which the *de facto* complainant is residing. It is his further contention that the police without taking this aspect into consideration filed the final report against the present petitioners and others for the offences punishable under Sections 147, 448, 294(b) and 506 Part (II) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. He would further contend that the first accused, petitioner in Crl.O.P.(MD) No.14355 of 2021 filed a bare injunction suit in O.S.No.79 of 2019 before the District Munsif Court, Devakottai, against the *de facto* complainant's husband and others in respect of the properties including the house in which the *de facto* complainant is residing and also filed a suit in O.S.No.84 of 2021 before the Sub Court, Devakottai, against the



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de facto complainant's husband and the Bank of Baroda for recovery of money. He therefore prayed for quashing the final report in C.C.No.36 of 2021 on the file of the Judicial Magistrate Court, Devakottai.

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the first respondent police would contend that the police after conducting proper investigation filed the final report and therefore, there is no good ground to quash the same. He therefore prayed for dismissal of the present Criminal Original Petitions.

6. It is seen from the records that there is a civil dispute between the first accused, petitioner in Crl.O.P.(MD) No.14355 of 2021 and the *de facto* complainant's husband Chinnakannan. The first accused, petitioner in Crl.O.P.(MD) No.14355 of 2021 filed two suits ie., (i) O.S.No.79 of 2019 on the file of the District Munsif Court, Devakottai, against the *de facto* complainant's husband and others for a bare injunction, and (ii) O.S.No.84 of 2021 on the file of the Sub Court, Devakottai, against the *de facto* complainant's husband and the Bank of Baroda for recovery of money.



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7. Be that as it may, a perusal of the final report filed by the police which includes the statements of the witnesses recorded under Section 161(3) of Cr.P.C. *prima facie* shows that all the accused trespassed into the house of the *de facto* complainant and also abused her in filthy language. They had also directed the *de facto* complainant to vacate the house. In fact, according to the prosecution, the *de facto* complainant was pushed down by the accused. Though it is contended by the learned counsel for the petitioners that the petitioners did not commit any offence as alleged by the prosecution, the same cannot be decided in the present Criminal Original Petitions as the final report *prima facie* shows the commission of offences by the accused. The truth or otherwise of the allegations made in the final report can be gone into only at the time of trial.

8. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed.

06.03.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
JEN



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To:

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



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R.HEMALATHA, J.

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