



Crl.O.P.(MD)No.16466 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.03.2024

CORAM:THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.14533 of 2022 and

Crl.M.P.(MD).No.9396 of 2022

1.Liyakatha Ali

2.Akmal Nisha

3.Ishkak

... Petitioners/Respondents

Vs.

Sithikka Begam

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the impugned proceedings in C.C.No.32 of 2022, on the file of the Judicial Magistrate, Additional Mahila Court, Ramanathapuram District and quash the same as illegal.

For petitioners : Mr.V.Kathirvelu
Senior counsel for
Mr.K.Prabhu

For Respondent : Mr.P.Sivakumar

ORDER

This petition has been filed seeking to quash the charge sheet in C.C.No. C.C.No.32 of 2022, on the file of the Judicial Magistrate, Additional Mahila Court, Ramanathapuram District.



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2. The case of the prosecution is that due to a civil dispute between the petitioners and the de-facto complainant, the de-facto complainant filed a complaint before the jurisdictional police against the petitioners and the same was received and a case in crime No.57/2022 for offences under Sections 341, 294(b), 427, 506(I) IPC and Section 4 of TNPHW Act, was registered and the same was rightly investigated and a closure report has also been filed by the respondent police before the concerned Court on 03.06.2022. However, on the notice sent to the respondent in the referred final report/closure report, the respondent said to have preferred a protest petition, which was taken cognizance in CC No. 32/2022 by the Additional Mahila Court, Ramanathapuram, for quashing which, the petitioners are before this Court.

3. The learned Senior counsel for the petitioners would submit that after investigation, when the closure report was filed by the investigating agency and the same was promptly filed by them before the jurisdictional Court, the protest petition was filed and the same was taken cognizance in CC.No.32/2022, however, the same was taken cognizance without application of mind. The learned Senior Counsel would submit that when similar issue came up before this Court in the



case of *A.Rajendra v. The State (2019) 1 LW (Crl) 771*, it was held in favour of the petitioners therein. Hence, on these grounds, the learned Senior counsel prays interference.

4. The learned counsel for the respondent would submit that there are materials available against the petitioners, however, he prays for appropriate direction.

5. Heard the learned counsel for the petitioners and the learned counsel for the respondent and perused the materials available on record.

6. It is pertinent to note that when similar issue came up for consideration before this Court in the decision cited supra, this Court has decided in favour of the petitioners therein by holding that the order taking cognizance of the private complaint ought to have reflected the application of mind of the Court below, in considering the closure report, which was already available before the Court below and the Court below must have also taken into consideration the fact that the second respondent was repeatedly attempting to improve his case at every stage.



Crl.O.P.(MD)No.16466 of 2022

7. Hence, following the said decision and ratio laid down by this Court, without going into the merits of the matter, the matter is remanded back to the trial Court. The trial Court is directed to decide the issue in terms of the order passed by this Court in the decision cited supra, on merits and in accordance with law.

8. With the aforesaid direction, the Criminal Original Petition is disposed of. Consequently connected Miscellaneous Petition is closed.

12.03.2024

Index : Yes/No

Internet : Yes/No

RR

To

1.The Judicial Magistrate,
Additional Mahila Court, Ramanathapuram District

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



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Crl.O.P.(MD)No.16466 of 2022

M.DHANDAPANI. J.

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