



Crl.O.P.(MD) No.18136 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.18136 of 2021

and

Crl.M.P.(MD) No.9939 of 2021

P.Ammavasai

... Petitioner

Vs.

1.The Sub-Inspector of Police,
Palanichettypatti Police Station,
Theni District.
(Crime No.104 of 2019)

2.Ramachandran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records relating to the proceedings in C.C.No.238 of 2020 on the file of the Additional Mahila Court (JM Level), Theni and quash the same.

For Petitioner : Mr.N.Dilip Kumar

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R2 : No appearance



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ORDER

Seeking to quash the final report in C.C.No.238 of 2020 on the file of the Additional Mahila Court (JM Level), Theni, the present Criminal Original Petition is filed by accused 2.

2. The case of the prosecution in a nutshell is as follows:

(i) The second respondent/*de facto* complainant is a driver by profession. On 21.02.2019, at about 00.15 hours, he was coming home with his mother in a Honda Unicorn Bike bearing Reg.No.TN 60 Q 6716 after visiting his sister. Due to previous enmity between him and the present petitioner Ammavasai, all the accused attacked him with an iron rod and a wooden log and also abused him in filthy language. One of the accused pulled the saree of the *de facto* complainant's mother and all the accused threatened them with dire consequences.

(ii) The *de facto* complainant and his mother were rushed to the Government Medical College and Hospital, Theni. Dr.Durai, Assistant Medical Officer examined both the *de facto* complainant and his mother and opined that the injuries sustained by them are simple in nature.



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Based on the complaint given by the *de facto* complainant on 21.02.2019, an F.I.R. in Crime No.104 of 2019 was registered by the Sub Inspector of Police, Palanichettypatti Police Station against all the accused for the offences punishable under Sections 147, 148, 294(b), 324, 427, 109, 506(2) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

(iii) The Sub Inspector of Police after concluding investigation laid a final report against all the accused for the aforesaid offences before the Judicial Magistrate Court, Theni in C.C.No.238 of 2020 which was later transferred to Additional Mahila Court (JM Level), Theni.

3. Mr.N.Dilip Kumar, learned counsel for the petitioner (A2) would contend that the petitioner has been unnecessarily roped in the present case merely because A5 who had enmity with the *de facto* complainant was working under him. It is also his contention that a false case been foisted against the present petitioner.

4. Per contra, Mr.K.Sanjai Gandhi, Government Advocate (Crl. Side) appearing for the first respondent would contend that the Sub Inspector of Police after conducting proper investigation had filed the



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final report and therefore, there are no valid reasons to quash the final report. He therefore prayed for dismissal of the present Criminal Original Petition.

5. A perusal of the F.I.R. and the statements of witnesses recorded by the police under Section 161(3) of Cr.P.C *prima facie* shows that the *de facto* complainant had prior enmity with the present petitioner Ammavasai and not with A5 as contended by the learned counsel for the petitioner. Both the *de facto* complainant and his mother were rushed to the Hospital on the same day, immediately after the occurrence by the persons who are residing in and around the place of occurrence. Dr.Durai had also examined the *de facto* complainant and his mother on 21.02.2019 and opined that the injuries sustained by them are simple in nature.

6. In the facts and circumstances, I do not see any reason to quash the final report in C.C.No.238 of 2020 on the file of the Additional Mahila Court (JM Level), Theni on the grounds raised by the present petitioner.



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WEB COPY 7. Accordingly, this Criminal Original Petition stands dismissed as devoid of merits. Consequently, connected Miscellaneous Petition is closed.

21.02.2024

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

JEN

To:

- 1.The Sub-Inspector of Police,
Palanichettypatti Police Station,
Theni District.
- 2.The Judge (JM Level),
Additional Mahila Court, Theni,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA, J.

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