



Crl.O.P.(MD)No.22033 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.22033 of 2022

and

Crl.M.P.(MD)No.15531 of 2022

1.Thanam
2.Sakthivel

... Petitioners/A1 & A2

vs.

1.Kumaraj

2.The Inspector of Police,
Sholavanthan Police Station,
Madurai District.

... Respondents

[R2 is suo-motu impleaded vide order dated 02.11.2023]

Prayer:- Petition filed under Section 482 of Cr.P.C., to call for the records relating to the case in C.C.No.314 of 2022 on the file of the learned Judicial Magistrate Court, Vadipatti and quash the same as against the petitioners.

For Petitioners : Mr.P.Arumugarajan

For Respondents : No Appearance for R1

Mrs.M.Aasha
Government Advocate (Crl. side) for R2



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ORDER

The Criminal Original Petition is filed to quash the charge sheet in C.C.No.314 of 2022 on the file of the learned Judicial Magistrate Court, Vadipatti.

2.The petitioners are the accused in a private complaint under Section 200 of the Code of Criminal Procedure. The first respondent herein had filed a private complaint for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. The case of the first respondent/complainant is that the first petitioner herein is his sister and the second petitioner is the husband of his sister. Whiles on 24.12.2021 at about 8:45 a.m., when the complainant's wife Chithra was cleaning the place belonging to them, the accused persons and their daughter came there with pipe, wooden logs and abused the complainant's wife in filthy language and the second petitioner hit her with the iron rod and the first petitioner hit her with the wooden log and upon hearing the alarm, the complainant



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ran to rescue her. At that time, the first accused had shouted to kill the complainant first and upon hearing the same, the second accused hit the complainant with the iron rod and caused injuries in his cheek. The third parties took them to Sholavanthan Government Hospital and thereafter, they were referred to Madurai Rajaji Government Hospital. After getting discharge from the hospital on 29.12.2021, they have reported the same before the Sholavanthan Police Station and a case was registered in Crime No.424 of 2021 for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. It is the specific case of the complainant that the said case is still kept pending without proper investigation and therefore, the private complaint is filed.

3.As seen from the complaint itself, that when in respect of the self same incident, the first respondent has lodged a police complaint, based on which, the first case has been registered without taking into the said case to the logical end, the first respondent cannot



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file a private complaint merely on the ground that the respondent police are not proceeding further with the investigation. If the respondent police are not proceeding further, it is very well open to the first respondent to take recourse on the remedies open to him under law to direct the respondent police to expedite the investigation.

4.The learned Government Advocate (Crl. side), thereafter, on instructions, would submit that no final report is yet to be filed in Crime No.424 of 2021. However, the police are likely to file a closure report. Even in such a case, it can be seen that as on date, the investigation is pending. The investigation is pending and therefore, the first respondent can only seek for such remedies as against the second respondent. Even if the final report without charging the petitioners/accused and referring is filed, even then it would be open for the first respondent to file a protest petition not to accept the said report and continue the case in the manner known to law.

5.In view thereof, this Criminal Original Petition stands



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allowed and the case in C.C.No.314 of 2022 on the file of the learned Judicial Magistrate Court, Vadipatti shall stand quashed. The second respondent police is directed to complete the investigation in Crime No.424 of 2021 and file final report in accordance with law. If only the final report is not in favour of the complainant, then accordingly, the RCS notice shall be served on the first respondent herein and the first respondent shall be entitled to such remedies as may be permissible under law. Consequently, connected miscellaneous petition is closed.

24.10.2024

NCC : Yes / No
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To

- 1.The Judicial Magistrate Court, Vadipatti.
- 2.The Inspector of Police,
Sholavanthan Police Station,
Madurai District.



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D.BHARATHA CHAKRAVARTHY, J.

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

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