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Crl.O.P.No.5333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.5333 of 2024

K.Sandhiya

... Petitioner

Vs.

1. State by

The Inspector of Police,
T12, Poonamallee Police Station,
Poonamallee,
Chennai 600 056.

2. D.Pradap

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.787 of 2023 pending on the file of the Judicial Magistrate No.II, Poonamallee in Crime No.1414 of 2018 on the file of T-12, Poonamallee Police Station and quash the final report filed by the first respondent.

For Petitioner :M/s.A.Anitha

For R1 : Mr.S.Sugendran
Additional Public Prosecutor

For R2 : Mr.N.Elayaraja



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ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.787 of 2023 pending on the file of the Judicial Magistrate No.II, Poonamalle in Crime No.1414 of 2018 on the file of first respondent-Police and quash the final report filed by the first respondent-Police.

2. Heard the learned counsel appearing for the petitioner, learned counsel for the second respondent and the learned Additional Public Prosecutor appearing for the first respondent-Police and perused the materials available on record.

3. The case of the prosecution is that A1 was running an unregistered chit and he had received a sum of Rs.1,65,000/- from the second respondent/defacto complainant. Though the second respondent/defacto complainant had made several requests for more than three years,



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the accused did not repay the same. According to the defacto complainant on 16.12.2018, when the defacto complainant went to the petitioner's house and requested the accused to repay the chit amount, all the accused scolded the second respondent/defacto complainant with filthy language and attacked him and due to which, he sustained injury.

4. Learned counsel for the petitioner submitted that the petitioner herein has been arrayed as A3 only for the reason that she is the daughter of A1. On the alleged date of incident, the petitioner was minor. The petitioner is noway connected with the alleged chit transaction. In order to take vengeance, the second respondent/de-facto complainant foisted a false case as against the petitioner. Hence, he prayed for quashing the final report filed by the first respondent-police.

5. Though it is stated that the petitioner was minor during the chit transactions, whereas, the complaint reveals that on 06.12.2018, the petitioner along with other accused scolded the de-facto complainant with filthy language and also assaulted and pulled him. Whether the



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allegations made in the complaint are true or false, whether the cause of action took place on 06.12.2018 or not, whether the petitioner was minor or not at the relevant point of time etc., can be decided only at the time of trial, not at this stage in the criminal original petition. Further, no material is produced before this Court to ascertain whether the petitioner was minor at the time of alleged incident. Further, prima facie materials are available to proceed the case further as against the petitioner also. This Court finds that there is no ground made out to quash the proceedings relating to C.C.No.787 of 2023 pending on the file of the learned Judicial Magistrate No.II, Poonamallee and there is no merit in the original petition.

6. In view of the same, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to take all her defence before the trial court, during trial.

30.01.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The Judicial Magistrate No.II, Poonamalle.
2. The Inspector of Police,
T12, Poonamallee Police Station,
Poonamallee,
Chennai 600 056.
3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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