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Crl.O.P.(MD)No.17302 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16/11/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.17302 of 2023

and

Crl.MP(MD)No.13723 of 2023

Angappan : Petitioner/A1

Vs.

1.The State represented by
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
(In Crime No.201 of 2023) : R1/Complainant

2.Mr.Nellaiappan : R2/De-facto Complainant

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the entire records pertaining to the impugned charge sheet filed in CC No.2217 of 2023 on the file of the Judicial Magistrate Court-III, Tirunelveli and quash the same as against the petitioner is concerned and pass such further or other orders.

For Petitioner : Mr.Henri Tiphagne

For 1st Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(Criminal side)

For 2nd Respondent : Mr.S.Mani



Crl.O.P.(MD)No.17302 of 2023

O R D E R

WEB COPY This criminal original petition has been filed seeking quashment of the case in CC No.2217 of 2023 on the file of the Judicial Magistrate No.III, Tirunelveli.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that on 05/08/2023 a meeting was held near Veilumuruganthamman Temple. At the time of discussion in the meeting, the petitioner along with others raised an issue with regard to the installation of the stone inscription at Veilumurugathamman Wedding Hall. At that time, wordy quarrel arose, in which, the petitioner and others accused assaulted the de-facto complainant, by using the filthy language and also threatened them with dire consequences. Over the above said occurrence, a case in Crime No.201 of 2023 was registered for the offences under sections 294(b), 323, 355 and 506(2) IPC. After completing the formalities of investigation, final report was filed and it was taken cognizance in CC No.2217 of 2023 by the Judicial Magistrate No.III, Tirunelveli.

3. Seeking quashment of the same, this petition has been filed simply on the ground that it is a case and counter case and without following the procedure set out



Crl.O.P.(MD)No.17302 of 2023

in PSO-588A, final report has been filed in both matters even without referring to the counter case.

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5.Heard both sides.

6.As mentioned in the preamble portion, it is a case and counter. Reading of the final reports, in both matters, both the occurrences taken place on the very same day and time. Since both are case and counter case, without verifying, who are the aggressors, final report has been filed in both matters. The Investigating Officer has not followed the procedures enunciated in PS0588-A.

7.On that sole ground, this criminal original petition is liable to be allowed, without going into other aspects.

8.In the result, this criminal original petition stands **allowed**. The case in CC No.2217 of 2023 on the file of the Judicial Magistrate No.III, Tirunelveli is herein quashed against the petitioner. Consequently, connected Miscellaneous Petition is closed.

16/11/2023

Index:Yes/No
Internet:Yes/No
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Crl.O.P.(MD)No.17302 of 2023

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To,

- 1.The Judicial Magistrate No.III,
Tirunelveli.
- 2.The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.17302 of 2023

G.ILANGOVAN, J

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CrI.OP (MD) No.17302 of 2023

16/11/2023