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Crl.O.P.(MD)No.19419 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02/11/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Crl.OP (MD)No.19419 of 2023
and
Crl.MP (MD)Nos.15207 and 15208 of 2023

Ravi : Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
S.V Mangalam Police Station,
Sivagangai District.
(Crime No.16 of 2021) : R1/Complainant

2.Pandian : R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in CC No.65 of 2021 on the file of the District Munsif-cum-Judicial Magistrate, Singampunari, Sivagangai District and to quash the same as against the petitioner as illegal.

For Petitioner : Mr.N.Mohideen Basha

For 1st Respondent : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

For 2nd Respondent : No appearance



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O R D E R

WEB COPY This criminal original petition has been filed seeking quashment of the case in CC No.65 of 2021 on the file of the Judicial Magistrate, Singampunari.

2.The case of the prosecution in brief:-

There is enmity exists between the family of the petitioner and the de-facto complainant. Due to which, on 27/01/2021 at about 08.00 pm, the accused person abused the de-acto complainant in filthy language and attacked him with aruval, thereby inflicted simple injury on his head. On the basis of the above said occurrence, a case in Crime No.16 of 2021 was registered for the offences under sections 294(b), 324 and 506(ii) IPC. After completing the formalities of investigation, charge sheet was filed and it was taken cognizance in CC No.65 of 2021 by the District Munsif-cum-Judicial Magistrate, Singampunari, Sivagangai District.

3. Seeking quashment of the same, this petition has been filed on the ground that it is a case and counter and in the counter case, that was alleged to have given by the de-facto complainant, he admitted the guilt and paid the fine amount also.



4.Heard both sides.

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5.A simple point has been raised. As mentioned above, it is a case and counter. On the basis of the complaint given both sides, case has been registered and after completing the investigation, in both the matters, final reports have been filed against the parties. And against the counter parties, the case was registered in Crime No.17 of 2021 and it was taken in STC No.261 of 2021 by the District Munsif-cum-Judicial Magistrate, Singampunari. In that case, the 2nd respondent/de-facto complainant and party was convicted and paid the fine amount.

6.Since, it is a case and counter case, the 1st respondent ought to have adopted proper procedure by following 588-A of the Police Standing Order and ought to have found who were aggressors. Admittedly, the de-facto complainant and his party have been convicted and paid fine amount also. So they deemed to be the aggressors. So on that ground also, the petition is liable to be allowed.



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7.In the result, this criminal original petition is **allowed.** The case in CC No.65 of 2021 on the file of the District Munsif-cum-Judicial Magistrate, Singampunari, Sivagangai District is hereby quashed as against the petitioner. Consequently, connected Miscellaneous Petitions are closed.

02/11/2023

Index:Yes/No
Internet:Yes/No

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To,

- 1.The District Munsif-cum-Judicial Magistrate
Singampunari,
Sivagangai District.
- 2.The Inspector of Police,
S.V Mangalam Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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