

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.08.2017

PRONOUNCED ON :17.08.2017

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

**Crl.OP No.2715 of 2014
and
M.P.No.1 of 2014**

- 1.Kalimuthu
- 2.Dhanagopal
- 3.Valarmathi
- 4.Kavitha
- 5.Kabil Doss
- 6.Govindaraj
- 7.Kamaraj

.. Petitioners

Vs

- 1.State rep.by the Inspector of Police,
All Women Police Station,
Crime No.7/12
Vridhachalam Taluk,
Cuddalore District.

- 2.Sub Inspector of Police,
Vepur Police Station,
Cuddalore District.

- 3.Nithya
- 4.Govindaraju
- 5.Jayalakshmi
- 6.Susithra
- 7.Pavithra
- 8.Dhanakodi
- 9.Poosamma

.. Respondents

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Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the joint trial/simultaneous trial on C.C.No.38 of 2013 and C.C.No.131 of 2013, both pending on the file of the Judicial Magistrate No.I, Vridhachalam, Cuddalore District.

For Petitioners :Mr.D.Shivakumaran
 For R1 and R2 :Mr.B.Ramesh Babu,
 Govt.Advocate (Crl.side)
 For R3 to R9 :Mr.R.Asaithambi

ORDER

This Criminal Original Petition has been filed under Section 482 Cr.P.C., to direct joint trial/simultaneous trial on C.C.No.38 of 2013 and C.C.No.131 of 2013, both pending on the file of the learned Judicial Magistrate No.I, Vridhachalam, Cuddalore District.

2. The learned counsel for the petitioner has submitted that the second and third petitioner herein are his parents and 4th and 5th petitioners are her sister and brother respectively, while petitioners 6 and 7 are maternal uncles. The marriage between the petitioner and the third respondent was an arranged marriage, which was solemnized on 08.06.2011 at the Kolinjiappar Temple, Vridhachalam Taluk, Cuddalore District.

3. The case of the prosecution is that on 20.06.2012, the

<http://www.judis.nic.in> respondents 3 to 9 herein came and attacked the petitioner. The respondents

3 to 9 herein attacked him and he was hospitalized. The petitioner's mother lodged a complaint with the 2nd respondent, on the basis of which, the FIR was laid in Crime No.259 of 2012, on the file of the 2nd respondent under Sections 147, 294(b), 324 & 323 I.P.C. The same has now culminated as C.C.No.131/13 on the file of the learned Judicial Magistrate No.I, Vridhachalam, Cuddalore District. As a counter-blast to the complaint lodged by petitioner's mother in Crime No.259 of 2012 on the file of the 2nd respondent, the 3rd respondent/wife of 1st petitioner lodged a false complaint alleging that she was put to cruelty by all the petitioners and that they have committed alleged offences under Section 498-A and 406 I.P.C. This complaint has culminated as C.C.No.38/2013 on the file of the learned Judicial Magistrate No.I, Vridhachalam.

4. The learned counsel for the petitioners has submitted that the evidence that is to be let in, in C.C.No.38/2013 and also C.C.No.131/2013 have a very crucial bearing upon each other.

5. The learned counsel for the respondent has stated that it is yet another method to drag on the proceedings and these two cases are not case-and-counter warranting joint trial and hence, prayed for dismissal.

6. Heard both sides and perused the records.

7. After hearing the submissions of the rival contentions of both the advocates and perusing the F.I.R filed in C.C.No.38 of 2013 and C.C.No.131/13, it is seen that based upon the complaint given by the third respondent herein, Nithya, wife of the first petitioner Kalimuthu, for the alleged occurrence that took place on 26.02.2012, Crime No.17/12 was registered by the All Women Police Station, Vridhachalam for the alleged offences under Sections 498A and 406(iii) IPC and after investigation, the same has culminated into F.I.R and taken on file as C.C.No.38 of 2013 before the learned Judicial Magistrate No.I, Vridhachalam.

8. While, based upon the complaint given by the third petitioner Valarmathi, mother of the first petitioner Kalimuthu, a case was registered for the alleged occurrence that had taken place on 20.06.2012 at 2.00 p.m. in Crime No.227 of 2012 Veppur Police Station was laid and after investigation, final report was filed and taken on file as C.C.No.131 of 2013 before the learned Judicial Magistrate I, Vridhachalam for the alleged offences under Sections 147, 294(b), 323 and 324 of I.P.C.

9. The learned counsel for the petitioners has submitted that trial in C.C.No.38 of 2013 is yet to commence, while trial in C.C.No.131 of 2013 has already commenced. However, in view of the pendency of this case, further proceedings have not taken place.

10. On a perusal of the F.I.R in both the cases, this Court finds that this is not a case and case-in-counter. However, incident in both the cases are alleged to have taken place on 20.06.2012 and parties are none other than the husband and wife and their in-laws and therefore, for appreciation of evidence let in by the both the cases, simultaneous trial will alone meet the ends of justice, otherwise over-all view of the case and the inter-linked disputes between the both the parties cannot be elicited and hence, this Court is of the considered view that though a joint trial is not possible, since both the cases are not the case and case-in-counter, however, as the both the cases are pending before the same learned Judicial Magistrate-I, Virudhachalam, this Court is of the considered view that simultaneous trial will meet the ends of justice.

11. In the above view of the matter, the learned Judicial Magistrate-I, Virudhachalam is hereby directed to try the both the cases according to the procedures laid down in law for the trial of cases as simultaneous trial and dispose of the same in accordance with law as expeditiously as possible.

12. With the above observations and direction, this Criminal Original Petition is allowed to the limited extent as indicated above. Consequently, connected Miscellaneous Petition is closed. Time 12 weeks.

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To

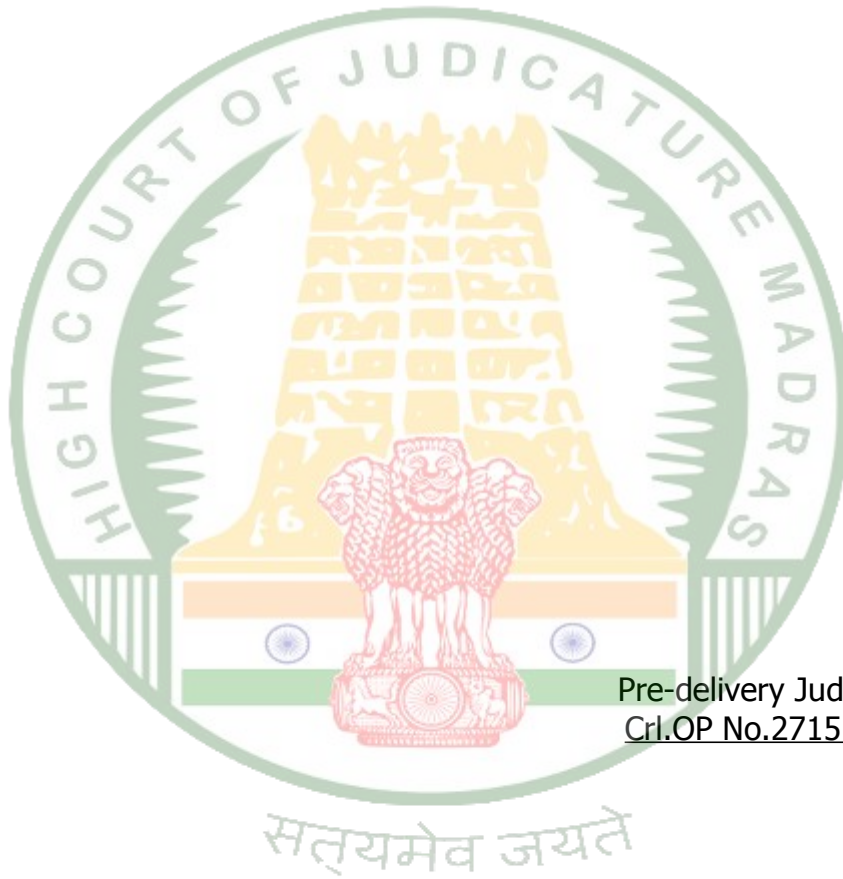
- 1.The Judicial Magistrate No.I, Vridhachalam, Cuddalore District.
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police,
All Women Police Station,
Crime No.7/12
Vridhachalam Taluk,
Cuddalore District.
- 4.Sub Inspector of Police,
Vepur Police Station,
Cuddalore District.



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RMT.TEEKAA RAMAN,J.,

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Pre-delivery Judgment in
Crl.OP No.2715 of 2014

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