

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 07.09.2017

CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P. (MD) Nos.1524 and 1525 of 2015
and
M.P. (MD) Nos.1,1,2 and 2 of 2015

Crl.O.P. (MD) No.1524 of 2015

1.Jayakumar
2.Chellam
3.Boopathi
4.Jayamalathi
5.Venkatesan
6.Karthikeyan

: Petitioners/Accused No.1 to 6

-Vs-

1. The Inspector of Police,
Sivagangai All Women Police Station,
Sivagangai,
Sivagangai District.
(Crime No.15 of 2012)

2. Latha @ Latha Devi : Respondents/Complainants

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to call for the records relating to the Charge Sheet in C.C.No.42 of 2013 on the file of the learned Judicial Magistrate, Ilayangudi, dated 08.11.2013 and quash the same.

For Petitioners : Mr.V.Kannan
For Respondent 1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)
For Respondent 2 : Mr.K.P.S.Palanivel Rajan

Crl.O.P. (MD) No.1525 of 2015



3.Boopathi
4.Venkatesan
5.Karthikeyan
6.Jayamalathi

: Petitioners/Accused No.1 to 6

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-Vs-

Latha @ Latha Devi

: Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to call for the records relating to the Charge Sheet in private complaint in M.P.No.907 of 2013 on the file the learned Judicial Magistrate, Ilayangudi and quash the same.

For Petitioners : Mr.V.Kannan
For Respondent : Mr.K.P.S.Palanivel Rajan

COMMON ORDER

These Criminal Original Petitions are filed to quash the Charge Sheet in C.C.No.42 of 2013 and the Charge Sheet in private complaint in M.P.No.907 of 2013 on the file the learned Judicial Magistrate, Ilayangudi.

2.The learned counsel appearing for the contesting respondent pointed out that the same petitioners have filed Crl.O.P.(MD) No.9311 of 2017 and 8948 of 2017 to quash the private complaint filed by the de-facto complainant in C.C.No.145 of 2017 and C.C.No.42 of 2013 respectively on the file of the District Munsif-cum-Judicial Magistrate, Ilayankudi and this Court, by order dated 21.08.2017, dismissed both the petitions on merits. The fact that the petitioners have filed the present Criminal Original Petitions was not brought to the notice of this Court at the time when the Criminal Original Petitions in Crl.O.P.(MD) No.9311 of 2017 and 8948 of 2017 are dismissed by this Court by order dated 21.08.2017. Though the present petitions are filed earlier in point of time, the conduct of the petitioners in preferring the subsequent criminal original petitions arising out of the same cause of action cannot be approved, and such practice is deprecated. Having regard to the specific conduct of the petitioners in these cases, this Court is inclined to dismiss these Criminal Original Petitions with costs and accordingly, these Criminal Original Petitions are dismissed with cost of Rs.10,000/- (Rupees Ten Thousand only). The petitioners shall pay Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Hon'ble the Chief Justice Relief Fund within a period of



two weeks from today. Consequently, the connected miscellaneous petitions are closed.

Post the matter on 04.10.2017 for reporting compliance of the cost.

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Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Ilayangudi.
2. The Inspector of Police,
Sivagangai All Women Police Station,
Sivagangai,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S. K.P.S.PALANIVEL RAJAN, Advocate, SR.No.77363.

+2cc to M/S. V.KANNAN, Advocate, SR.No.77380 & 77379.

Cr1.O.P. (MD) Nos.1524 and 1525 of 2015
07.09.2017

SRM

SDS/SKN:RSK/SAR 2/21.09.2017/3P/8C