



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2017

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

CrI.O.P.(MD) No.9148 of 2017andCrI. M.P.(MD) No.6221 of 2017

1.Rajasekaran

2.Selvaraj

... Petitioners/Accused Nos.1 & 2

-Vs-

1.The State Rep. by,
The Inspector of Police,
Town Police Station,
Palani, Dindigul District.
(Crime No.611/2013)

...Respondent/Complainant

2.Sivasakthivel

...Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records pertaining to Charge Sheet in C.C.No.48 of 2014 pending on the file of the learned Judicial Magistrate, Palani, Dindigul District and quash the same.

For Petitioner : Mr.A.D.Ganeshamoorthi

For R-1

: Mr.K.Anbarasan,

Government Advocate (CrI.Side).

O R D E R

This Criminal Original Petition is filed for quashing the Charge Sheet in C.C.No.48 of 2014 pending on the file of the learned Judicial Magistrate, Palani, Dindigul District.

2. Heard the learned counsel appearing for the Petitioner and the learned Government Advocate(CrI.side) appearing for the first respondent.

3.The petitioners were charged for the offences under Sections 294(b), 323, 324, 506(ii) of IPC. The alleged occurrence took place on 09.09.2013 at 09.00 p.m. The complaint was also lodged on 09.09.2013 at 11.00 p.m., on the same day. The only service record in his service is that this is a case in which the petitioners also gave a complaint at 09.30 p.m., relating to the assault on them on the same day.



Since this is a case in which the complaint was lodged by two different set of people for the same occurrence that took place on 09.09.2013, the respondent police filed Charge Sheet in both the cases, the Charge Sheet is liable to be quashed, as there can not be two different versions for the same incident.

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4. In this case, it is seen that the petitioners were charged for the offences alleged to have been committed by the petitioners and as per the First Information Report, the occurrence took place on 09.09.2013 at 09.00 p.m.

5. The second complaint was in relation to an incident occurred on the same day, namely, on 09.09.2013 at 09.30 p.m. The places of occurrence are different. Hence, prima facie the complaint are not about a single incident. The complaint was given by two different persons in relation to the two different incidents, alleged to have taken place.

6. Further, the learned Government Advocate(Criminal side) on instructions submitted that in the criminal case in C.C. No.48 of 2014 on the file of the learned Judicial Magistrate, Palani, Dindigul District, already four witnesses have been examined and the trial is likely to be commenced within a short time.

7. In the said circumstances, this Court is not inclined to entertain this petition to quash the above criminal case and no case is made out. Hence, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar.

To

1.The Judicial Magistrate, Palani, Dindigul District.

2. The Inspector of Police, Town Police Station,
Palani, Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.A.D.Ganeshamoorthi, Advocate, SR.No. 66325

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and

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