



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C(MD) .No.667 of 2017

and

CrI.M.P.(MD) .Nos.7579 and 7580 of 2017

R.Anandha Venkadesh

... Petitioner/Petitioner/
Accused No.3

-Vs-

The State rep. by
The Inspector of Police,
Town West Police Station,
Dindigul.
(Crime No.287/2016)

... Respondent/Respondent/
Complainant

Prayer : Criminal Revision Case filed under Section 397 read with 401 of the Code of Criminal Procedure, to call for the records in connection with the case in Cr.M.P.No.2436 of 2017 in C.C.No.38 of 2017, dated 01.08.2017, on the file of the learned Judicial Magistrate No.I, Dindigul and set aside the same.

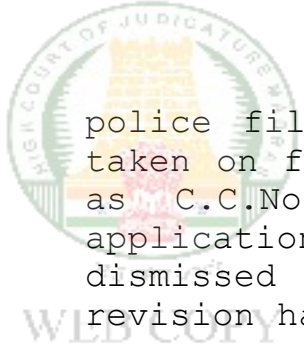
For Petitioner : Mr.N.Sathish Babu

For Respondent : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

O R D E R

Challenging the dismissal order, dated 01.08.2017, passed in Cr.M.P.No.2436 of 2017 in C.C.No.38 of 2017, dated 01.08.2017, on the file of the learned Judicial Magistrate No.I, Dindigul, the present revision has been filed.

2.The learned counsel for the petitioner submitted that a case and counter case has been registered for the same occurrence and the petitioner herein was injured in that occurrence, based on his complaint, a case has been registered in Crime No.287 of 2016 on the file of the respondent police, and a counter case against the petitioner has been registered in Crime No.288 of 2016 on the file of the respondent police. After investigation, the respondent



police filed the final report in both cases and this case was taken on file as C.C.No.12 of 2017 and the counter case was taken as C.C.No.38 of 2017. Thereafter, the petitioner filed an application to discharge him from the charges. But the trial Court dismissed the same. Now, challenging the same, the present revision has been filed.

3. The learned counsel for the petitioner would contend that it is a case and case in counter and while conducting the investigation, the respondent police did not follow the procedure contemplated under Clause 566 of Tamilnadu Police Standing Orders, and without getting any opinion from the Public Prosecutor, the respondent police filed the final report. Apart from that the respondent police did not find out who is the real aggressor in this case and mechanically investigated both the complaint and filed the final report. The trial Court, without considering the case in proper perspective, dismissed the application.

4. I have heard Mr.N.Sathish Babu, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor, appearing for the respondent and perused the records carefully.

5. Admittedly, it is a case and counter, and the respondent police investigated both the cases and filed the final report after following the procedure under Clause 566 of Tamilnadu Police Standing Orders after getting opinion from the Public Prosecutor. As per the procedure under Clause 566 of Tamilnadu Police Standing Orders, if the investigating officer finds any difficult to charge sheet one of the two cases or close both, he should seek the opinion of the Public Prosecutor. But in this case, the respondent police investigated both the cases thoroughly and filed the final report after getting opinion from the Public Prosecutor. Hence the contention of the learned counsel for the petitioner cannot be accepted.

6. Now coming to the next ground raised by the learned counsel for the petitioner that the respondent police did not find out who is the real aggressor in this case, perusal of the final report clearly shows that the respondent police has conducted thorough investigation by obtaining statement from all the witnesses and finally filed the final report, the question as to who is the real aggressor is to be decided in the course of trial and that question cannot be decided at the time of framing charges. Hence, both the grounds raised by the petitioner is not valid in the eye of law. Hence, I am inclined to dismiss the revision.

<https://hcservices.ecourts.gov.in/hcservices> result, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petitions are also dismissed. Since it is a case and case in counter, the trial Court



is directed to conduct the trial in both cases simultaneously and dispose of the same as expeditiously as possible.

Sd/-

Assistant Registrar(CS-III)

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/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Dindigul.
2. The Inspector of Police,
Town West Police Station,
Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.N.Sathish Babu , Advocate in SR.No. 73640

PJL

AE/SV MMS/SAR1/12.09.2017/3P/5C

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