

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No. 15736 of 2013
and
MP.Nos.1 and 2 of 2013

1. P. Kannan
2. Santhanakrishnan ...Petitioners/Accused

Vs.

1. The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District. .. R1/Complaint
2. Rajendran
3. Nandabalan
4.K.P.Ramachandran ... Respondent 2 to 4/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to quash the proceedings in C.C.No.68 of 2013 on the file of the Judicial Magistrate II, Coimbatore.

For Petitioners : Mr.N.Elumalai for J.Pothiraj
For Respondents : Mr.T.Shunmuga Rajeswaran for R1
: Mr.T.Arul for R2 to R4

ORDER

This petition has been filed by the accused Nos. 1 and 2 to quash the proceedings in C.C.No.68 of 2013 on the file of the Judicial Magistrate II, Coimbatore.

2. The learned counsel for the petitioner has submitted that since a civil dispute is pending, the first respondent should not have filed charge sheet against the petitioners.

3. The learned Government Advocate (Crl.Side) for the first respondent has submitted that the dispute is with regard to the temple property. He further submitted that the case in C.C.No.68 of 2013 has been filed based on the complaint given by the second respondent herein and the said case was taken on file under Sections 341, 294(b) and

506(1) IPC. He further submitted that a counter case also has been filed against the respondents 2 to 4 and others in C.C.No.776 of 2013 on the file of the Judicial Magistrate II, Coimbatore and the said case was taken on file under Sections 147, 148 448, 294(b) and 506 (ii) IPC. He further submitted that since both the parties gave counter cases, the first respondent after investigation has filed charge sheets in both the cases and both the cases have been taken on file. He further submitted that since the cases are cross cases, both the cases have to be tried simultaneously and then only aggressor can be fixed and therefore he prayed to dismiss this petition.

4. The learned counsel for the respondents 2 to 4 has adopted the arguments advanced by the learned Government Advocate (Crl.Side).

5. Since the case in C.C.No.68 of 2013 and the case in C.C.No.776 of 2013 are counter cases, this Court is of the view that both the cases to be tried simultaneously and disposed of on the same day and then only, the Trial Court will have an opportunity to see who are the aggressors. Therefore, this petition is liable to be dismissed.

7. In the result, this petition is dismissed. Consequently connected miscellaneous petitions MP.Nos.1 and 2 of 2013 are closed.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

vv/vsn

To

1. The Judicial Magistrate II,
Coimbatore

2. The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Pothiraj , Advocate SR.No. 68216

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ASK(08/11/2018)