



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P. (MD)No.2461 of 2014

and

M.P. (MD) .No.2 of 2014

WEB COPY

1.Jahir Hussain
2.Raj Mohammed
3.Pillappan@Shajahan
4.Jafarulla
5.Jamal Mohamed

...Petitioners/Accused No.1 to 5

Vs.

The State represented
by the Inspector of Police
Thiruvidaimarudhur Police Station
Thanjavur District

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.C.No.12 of 2013 on the file of the II Additional Sub Court, Kumbakonam pursuant to the P.R.C.No.13 of 2011 and quash the same.

For Petitioners	: Mr.J.John
For Respondent 1	: Mr.V.Neelakandan
	Additional Public Prosecutor
For Respondent 2	: No Appearance

O R D E R

This Criminal Original Petition has been filed to quash the criminal proceedings in S.C.No.12 of 2013 on the file of the II Additional Sub Court, Kumbakonam.

2.The learned counsel for the petitioners would submit that there was a counter case filed by the petitioners that has been registered in Crime No.196 of 2010 on the file of the respondent police. Even though the respondent police without following the procedure laid down under Section 588(A) of Madras Police Standing Order, the respondent police filed the charge sheet in the present case and proceeding with the trial. Therefore, it is violation of rule 588(A) of Madras Police Standing order. Therefore, he sought for quash the S.C.No.12 of 2013 on the file of the II Additional Sub Court, Kumbakonam.

3.The learned Additional Public Prosecutor appearing for the respondent would submit that the counter case has been registered in Crime No.196 of 2010 for the offences punishable under Sections 147, 148, 294(b), 324 and 307 I.P.C. against the defacto complainant and others. The respondent police laid a charge sheet and the same has been taken cognizance for the above said offences in S.C.No.51 of 2011 on the file of the III Additional Sub Court, Kumbakonam. The trial has been over and all the accused persons are acquitted by



order dated 04.08.2018. Further, he contended that only because of this petition, the trial has been stalled and also stayed all further proceedings in S.C.No.12 of 2013 on the file of the II Additional Sub Court, Kumbakonam.

4.It is seen from the records that the respondent police registered a counter case in Crime No.196 of 2010 as against the defacto complainant and others. This quash petition filed only on the sole ground that the respondent police did not follow the procedure laid down under police standing order in respect of the counter complaint. It is reported that the respondent police also filed the charge sheet in Crime No.196 of 2010 and the same has been taken cognizance for the offences under Sections 147, 148, 294(b), 324 and 307 I.P.C in S.C.No.51 of 2011 on the file of the III Additional Sub Court, Kumbakonam, in which, all the accused persons were acquitted by order dated 04.08.2018 and the respondent police followed the procedure laid down under Rule 588-A of the Madras Police Standing Order. It is seen that no one was convicted in the said criminal proceedings.

5.In view of the above, this Court is not inclined to entertain this criminal original petition. Accordingly, this criminal original petition is dismissed with liberty to the petitioners to raise all the grounds before the trial Court. Consequently, the connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-I)

To

- 1.The Inspector of Police
Thiruvidaimarudhur Police Station
Thanjavur District
- 2.The II Additional Subordinate Judge
Kumbakonam
- 3.The III Additional Subordinate Judge
Kumbakonam
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.2461 of 2014
and
M.P. (MD) .No.2 of 2014

MSA

KK/RP/SAR-1/03.12.2018/2P-5C