



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P. (MD) No.17657 of 2016

and

Crl.M.P. (MD) No.8770 of 2016

1.Thenmozhi
2.M.Anguthai
3.P.Chinnaiah
4.Selvi
5.Alagumani
6.P.Nagaraj

... Petitioners/2 to 7 Accused

Vs.

Sangeetha

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records in C.C.356 of 2016 on the file of Judicial Magistrate No.II, Dindigul and quash the same.

For Petitioners:Mr.KR.Singaravadivel

For Respondent :Mr.D.Venkatesh

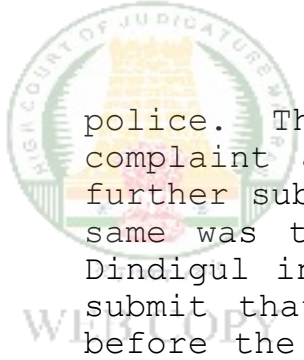
O R D E R

This petition has been filed seeking to quash the proceedings in C.C.356 of 2016 on the file of Judicial Magistrate No.II, Dindigul.

2.Heard learned counsel for the petitioners and learned counsel for the respondent.

3.The learned counsel for the petitioners would submit that originally F.I.R. was registered against seven accused persons, including these petitioners. The Inspector of Police, Dindigul Town Police Station, conducted investigation and a final report was filed, wherein, except A1, the charges were dropped as against all these petitioners. The learned counsel for the petitioners would further submit that without filing a protest petition, the respondent has chosen to file an independent private complaint. The learned counsel would further submit that in the private complaint, the respondent has not revealed about the earlier F.I.R. and new grounds have been taken in the private complaint, for the very same incident, for which the police have already conducted investigation and closed insofar as these petitioners are concerned.

4.The learned counsel for the respondent would submit that the respondent was not aware about the closure of the case by the



police. Therefore, the respondent have filed an independent private complaint against these petitioners. The learned counsel would further submit that after filing of the final report against A1, the same was taken on file by the learned Judicial Magistrate No.II, Dindigul in C.C.No.491 of 2017. The learned counsel would further submit that liberty must be granted to the respondent to agitate before the concerned Court with regard to dropping of the names of these petitioners in the final report.

5.This Court has carefully considered the submissions made on either side. The present private complaint filed by the respondent is not maintainable. The Court below, while taking cognizance of the complaint, has not applied it's mind with regard to investigation that was already conducted by the police and the filing of the closure report as against these petitioners. The respondent ought to have filed only a protest petition before the concerned Court against the dropping of charges against these petitioners.

6.In view of the fact that the learned Judicial Magistrate No.II, Dindigul, have already taken cognizance of the proceedings as against A1, liberty is granted to the respondent to appear before the concerned Court and give sufficient evidence at the time of examination of witnesses. If the concerned Court finds the involvement of these petitioners also, the concerned Court has sufficient power under Section 319 of Cr.P.C. to add any one as an accused.

7.In the result, this Criminal Original Petition is allowed and the proceedings in C.C.356 of 2016 on the file of Judicial Magistrate No.II, Dindigul, is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RECORDS)

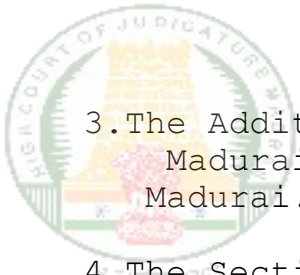
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Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate No.II,
Dindigul.

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



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

4.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai. 2 COPIES

- 1 CC TO Mr.J.GUNASEELANMUTHIAH , ADVOCATE IN SR No.92407.
- + 1 CC TO Mr.D.VENKATESH , ADVOCATE IN SR No. 92449.

LS

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Cr1.O.P.(MD).No.17657 of 2016