



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.19300 of 2018

and

CRL.M.P.(MD)No.8691 of 2018

1.B.Arunachalam
2.A.Subbulakshmi
3.Radhakrishnan

.. Petitioners/Accused

-Vs-

1. The Deputy Superintendent of Police,
Kovilpatti Sub-Division,
Thoothukudi District.

2. The Inspector of Police,
Nalattinuthur Police Station,
Kovilpatti Taluk,
Thoothukudi District.

.. Respondents

3. Mangalam

.. Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for all the records pertaining to Cr.No.222 of 2017 on the file of 2nd respondent lying before the Jurisdictional PCR Court Viz., the Honourable II Additional District Court at Tirunelveli and quash the same.

For Petitioners : Mr.U.Kasipandian

For Respondents : Mr.K.Suyambulinga Bharathi for R1 & R2
Government Advocate (Crl. Side)

ORDER

This Criminal original Petition has been filed seeking to quash the F.I.R. in Crime No.222 of 2017 pending on the file of the second respondent police.

2.The learned counsel for the petitioner would submit that the petitioners had given a complaint against the defacto complainant in this case and the same was registered by the respondent police



in Crime No.761 of 2016. The learned counsel further submit that as a counter blast, the defacto complainant has also given a complaint before the respondent police and the same has been registered in Crime No.222 of 2017 against these petitioners. According to the learned counsel the entire complaint is false and it has been given only to get over the earlier complaint given by the petitioners.

3.The learned Government Advocate would submit that the respondent police has investigated both the case and the counter case. Insofar as the case registered in Crime No.761 of 2016 is concerned, the respondent police have completed the investigation and filed a final report before the Judicial Magistrate No.II, Kovilpatti and the same has been taken on file in C.C.No.111 of 2017. Insofar as the present case is concerned, the learned Government Advocate would submit that the respondent police have completed the investigation and have also filed a final report before the PCR court, Tirunelveli for the alleged offences under Sections 294(b) & 506 (I) of IPC and Section 3(1)(r) & 3(1)(s) of the Scheduled Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act 2015 and the same is yet to be taken on file.

4.There is a case and a counter case investigated by the same police. This Court will not interfere with the investigation insofar as one complaint is concerned and the respondent police must be permitted to investigate both the cases and file a final report. Now that the respondent police have completed the investigation and filed a final report, this Court does not want to interfere with Crime No.222 of 2017.

5.This Criminal Original Petition is disposed of with a direction to the second respondent police to number the final report filed before the PCR Court, Tirunelveli, within a period of 10 days. It is left open to the petitioner to work out the remedy thereafter in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The II Additional District Judge,

<https://hcservices.hcscourts.gov.in/hcservices/>



2. The Deputy Superintendent of Police,
Kovilpatti Sub-Division,
Thoothukudi District.

3. The Inspector of Police,
Nalattinuthur Police Station,
Kovilpatti Taluk, Thoothukudi District.

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

+ 1 CC TO Mr.U.KASI PANDIAN, ADVOCATE IN SR No. 93260

TM

TE/SKN-RSK/SAR-1 : 23/11/2018 : 3P/6C

CRL.O.P. (MD) No.19300 of 2018
30.10.2018