

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.7585 of 2013 and
M.P.No.1 of 2013

1. C.Ramachandran Naidu
2. J.Muthu Naidu
3. J.Murugan
4. K.Ravi
5. K.Seenu
6. K.Ramesh
7. V.Vendavarasi
8. V.Devaraj
9. P.Siva
10.R.Chakravarthy
11.B.Kannan
12.K.Gajendrann @ Kutty ... Petitioners

Vs.

1. The State of Tamil Nadu
rep. by the Inspector of Police,
E-16, Thirupporur Police Station,
Thirupporur, Kancheepuram District.
2. A.K.Dhakshinamurthy ... Respondents

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records in C.C.No.46 of 2013
on the file of the learned Judicial Magistrate No.I,
Chengalpattu, Kancheepuram District and quash the same.

For Petitioners : Mr.J.Selvarajan

For Respondents : Mr.R.Ravichandran,
Govt.Advocate(Crl.Side) for R1
Mr.A.S.Narasimhan for R2 -
No Appearance

ORDER

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.46 of 2013 on the file of the learned Judicial Magistrate No.I, Chengalpattu, Kancheepuram.

2 Learned counsel appearing for the petitioners would submit that for the very same occurrence, the second respondent had already given a complaint and the first respondent police has also registered a case in FIR in Crime No.711 of 2012 dated 07.11.2012 and knowing fully about the registration of the above case, without disclosing the same, the second respondent had filed a private complaint under Section 200 of Cr.P.C. before the learned Magistrate adding some persons and the learned Magistrate also without taking note of the above fact, has taken cognizance on the same. Therefore, for the very same occurrence, the second respondent has initiated two criminal proceedings for the very same occurrence, which would amount to double jeopardy and hence the case in C.C.No.46 of 2013 against the petitioners has to be quashed.

3 The learned Government Advocate (Crl.Side) appearing for the first respondent police would submit that based on the complaint given by the second respondent, since there are specific allegations against these petitioners, the police has registered the case in Crime No.711 of 2012 dated 07.11.2012.

4 Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record. None appeared on behalf of the second respondent.

5 On a careful reading of the private complaint filed by the second respondent, it is seen that in the complaint itself, the second respondent has clearly stated that on 06.11.2012 at 4.45 there was an occurrence, for which he lodged complaint against the petitioners 1 & 2, which was also registered by the respondent police, but, even before registering the above complaint, when the complaint was pending, there was another occurrence taken place at about 7.00 in which, all the petitioners herein have involved. Therefore, the second respondent has given complaint before the first respondent police, since they refused take the complaint on file, he sent the complaint to the superior officer, even he approached all the police officials hierarchy, but all went in vain. Hence, he filed the present private complaint before the learned Judicial Magistrate No.I, Chengalpattu, Kancheepuram, and the same was taken on file in C.C.No.46 of 2013, which is now sought to be quashed. The allegations levelled against all the petitioners in both the

complaints are different and the second respondent disclosed entire facts. Under these circumstances, this Court finds that this is not the fit case to invoke power under Section 482 of Cr.P.C.

6 Accordingly, this criminal original petition is dismissed. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

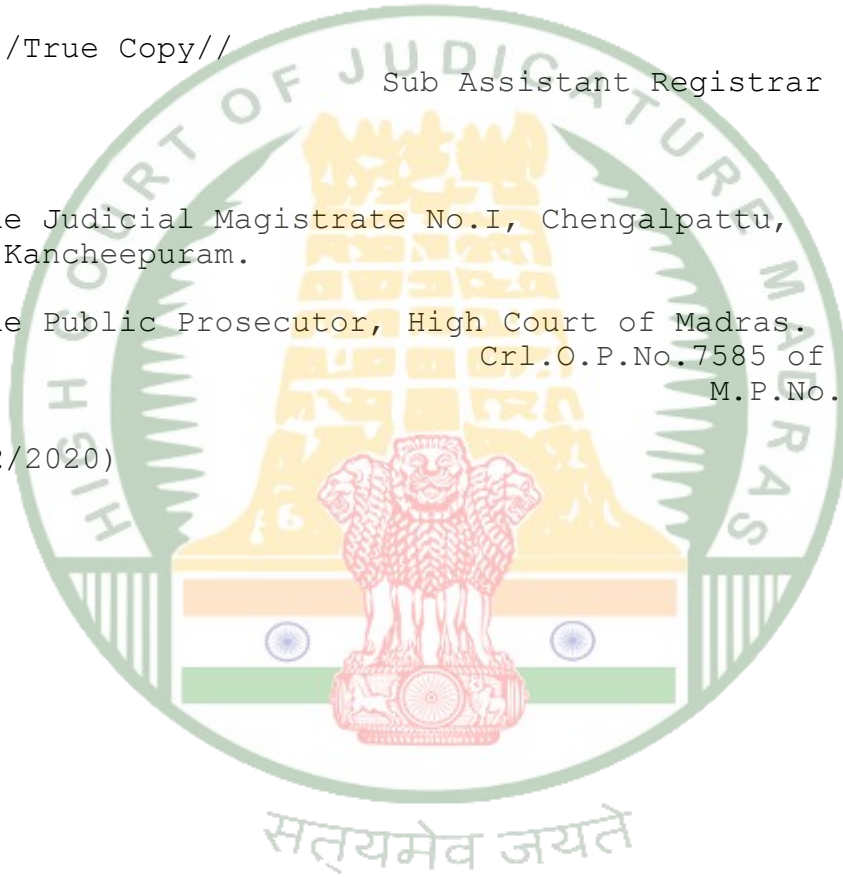
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To

1. The Judicial Magistrate No.I, Chengalpattu,
Kancheepuram.

2. The Public Prosecutor, High Court of Madras.

CrI.O.P.No.7585 of 2013 and
M.P.No.1 of 2013

A.SK(12/02/2020)



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