

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3569 of 2019  
and  
Crl.M.P.Nos.2269 & 2270 of 2019

A.Arun (a) Angappan ...Petitioner/Accused

-Vs-

State rep. by

1.The Inspector of Police,  
Mettur Police Station,  
Salem.

..Respondent/Complainant

2.A. Ganesan ... Respondents/Defacto complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records and quash the charge sheet filed in C.C.No.237 of 2018 dated 29.08.2018 on the file of the learned Judicial Magistrate-I, Mettur, Salem District.

For Petitioner : Mr.C.Saravanakumar  
For Respondent 1 : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

ORDER

This petition has been filed by the petitioner seeking to quash the charge sheet filed in C.C.No.237 of 2018 dated 29.08.2018 on the file of the learned Judicial Magistrate-I, Mettur, Salem District.

2. The learned counsel for the petitioner would submit that originally a complaint was lodged by one Govindaraj registered in Crime No.196 of 1017. In the said FIR, the first respondent completed the investigation and filed final report for the offence under Section 420 of IPC. Again for the same set of allegations, another complainant one ganesan lodged a complaint against the same petitioner, which was registered in Crime No.110 of 2018 for the offence under Section 420 of IPC. In the said FIR also, the first respondent filed final report for the offence under Section 420 of IPC pending on the file of the learned Judicial Magistrate-I, Mettur, Salem District. For the

same set of allegations, there cannot be two FIR and two charge sheets. Hence, prayed for quashing of entire proceedings in C.C. No.237 of 2018.

3. The learned Additional Public Prosecutor submitted that two FIR lodged by two different persons and completely different set of allegations, in accordance with law. The first respondent completed the investigation and filed the final report now it is pending for trial in C.C. No.237 of 2018 on the file of the learned Judicial Magistrate-I, Mettur, Salem District.

4. Heard Mr.C.Saravanakumar, learned counsel for the petitioner as well as Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the first respondent.

5. One Govindaraj lodged a complaint against the petitioner stating that the petitioner received a sum of Rs.1,50,000/- from him to get pass in group-II exam which was registered in Crime No.196 of 2017. The first respondent conducted detailed enquiry and filed final report for the offence under Section 420 of IPC in C.C.No.147 of 2018 before the learned Judicial Magistrate-I, Mettur, Salem District. Thereafter, one ganesan lodged another complaint against the petitioner stating that the petitioner received Rs.9,00,000/- to obtain job in various Government departments of Tamil Nadu which was registered in Crime No.110 of 2018. The first respondent conducted detailed enquiry and filed final report for the offence under Section 420 of IPC in C.C.No.237 of 2018 before the learned Judicial Magistrate-I, Mettur, Salem District. Therefore both are different set of allegations and lodged by different complainants. It is clear that the defacto complainant in crime No.196 of 2017 is not shown as witness in crime No.110 of 2018 and the defacto complainant in crime No.110 of 2018 is now shown as witness in crime No.196 of 2017.

6. This Court does not find any merits in this petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

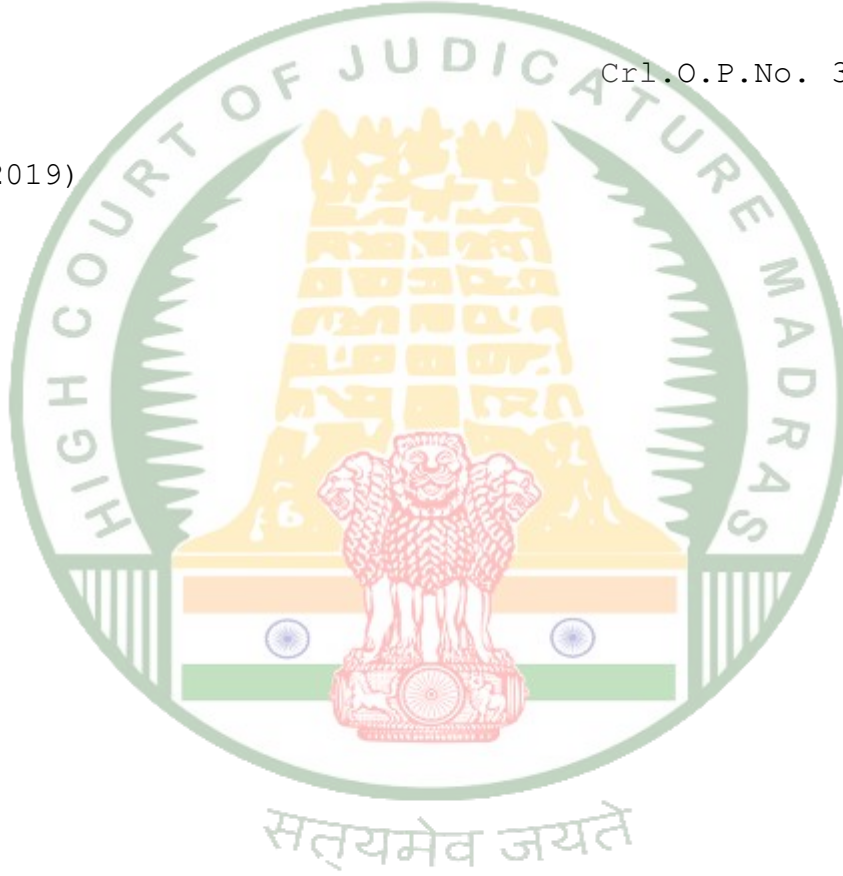
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To

- 1.The Inspector of Police,  
Mettur Police Station,  
Salem.
- 2.The Public Prosecutor,  
High Court, Madras.
3. The Judicial Magistrate I  
Mettur , Salem District.

Crl.O.P.No. 3569 of 2019

VBA(CO)  
SP(19/03/2019)



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