

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8593 of 2019
and
Crl.M.P.Nos.4576 & 4578 of 2019

Senthil

.. Petitioner

Vs

1. State rep by:
The Sub-Inspector of Police,
Thalavai Police Station,
Ariyalur District.
(Cr.No.17 of 2017)

2. Ramesh

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.57 of 2018 on the file of the Judicial Magistrate Court No.2, Jeyankondam, Ariyalur District and quash the same.

For Petitioner : M/s.S.Nadhiya

For Respondents : Mr.C.Raghavan (for R1)
Government Advocate

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.57 of 2018 pending on the file of the Court below.

2.The learned counsel for the petitioner submitted that the petitioner is a practicing advocate living along with his family members and is having property. The 2nd respondent and other accused persons were preventing the petitioner from enjoying the property and on 06.02.2017, the petitioner and his family members were abused in a filthy language and were also attacked with stick. Based on the complaint given by the petitioner, the 1st respondent Police registered an F.I.R. in Crime No.16 of 2017 against three named accused persons. While so, the 1st respondent Police also received a counter complaint from the 2nd

respondent, who is an accused in the above said case and registered an F.I.R. in Crime No.17 of 2017.

3.The learned counsel for the petitioner submitted that the investigation has been completed and a final report has been filed in both the cases and the same has been taken on file by the Court below. The proceedings pending against the petitioner in C.C.No.57 of 2018 is the subject matter of challenge before this Court.

4.Heard the learned Government Advocate appearing on behalf of the 1st respondent.

5.This Court has carefully considered the submission made on either side and also the materials placed on records. There is a case and counter and both were investigated and individual final reports have been filed before the Court below and the same has been taken cognizance. Therefore, it is not possible for this Court to interfere with one of the proceedings and both cases will have to be tried jointly.

6.The Court below is directed to proceed further with the trial in C.C.No.57 of 2018 and C.C.No.187 of 2018 in accordance with the guidelines given by the Hon'ble Supreme Court and this Court in the following judgments:-

(1) Nathi Lal and others Vs. State of U.P. and Another reported in 1990 1 SCC (Cri.) 638

(2) Sudhir and others Vs. State of M.P. reported in 2001 2 SCC 688

(3) Ganesan and another Vs. State rep. by the Inspector of Police, R-2 Kodambakkam Police Station, Chennai (Crime No.1915 of 1998) reported in 2011 5 CTC 747

7.The Court below is directed to strictly follow the guidelines that have been given in the judgments cited supra and completed the proceedings within a period of three months from the date of receipt of a copy of this order.

8.This Criminal Original Petition is disposed of with the above direction. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

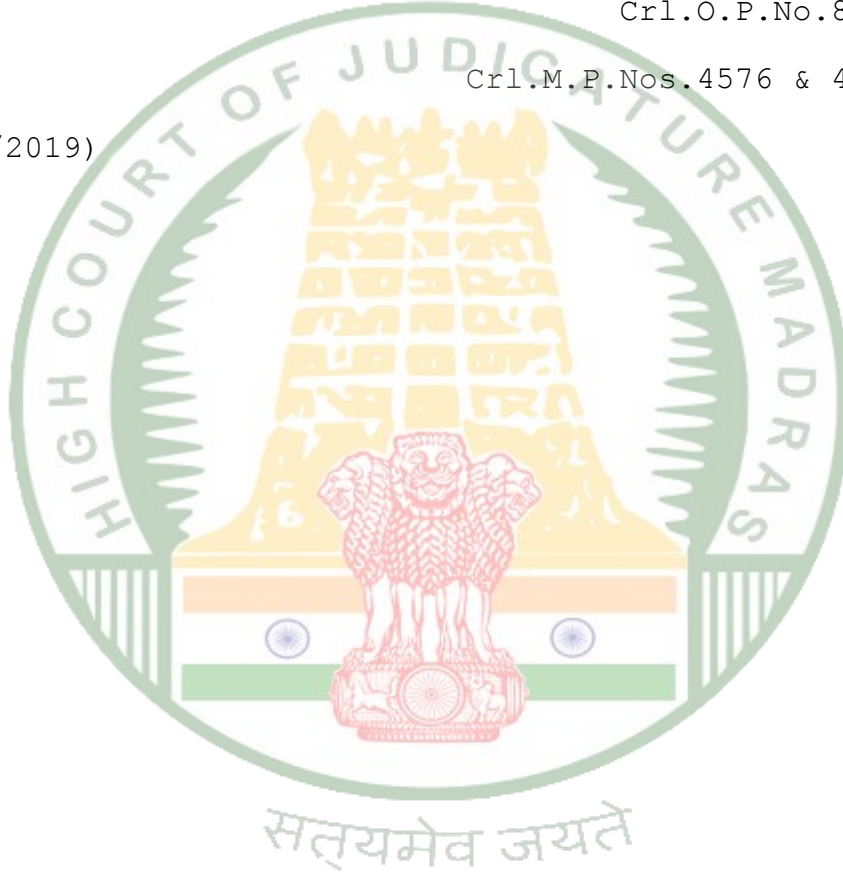
vs

To

1. The Judicial Magistrate No.2,
Jeyankondam, Ariyalur District.
2. The Sub-Inspector of Police,
Thalavai Police Station,
Ariyalur.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.8593 of 2019
and
Crl.M.P.Nos.4576 & 4578 of 2019

(CO)
SSM(19/06/2019)



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