

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.8600 of 2019

and

CRL.M.P Nos.4584 and 4586 of 2019

1. Lalithambigai
2. Periyasamy @ Jambu
3. Jayabalan @ Kaliyamurthy
4. HariprasadPetitioners

Vs.

1. The State, represented by
Sub Inspector of Police,
Lawspet Police Station,
Puducherry.
2. Sumathy ...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in S.T.C No.101 of 2019 on the file of the Judicial Magistrate Court No.I, Puducherry and quash the same.

For Petitioner : Mr. R.Asokan

For 1st Respondent : Mr. Barathachakravarthi
Public Prosecutor
Puducherry.

For 2nd Respondent : Mr.R.Dkashinamurthy

ORDER

This petition has been filed seeking to quash the proceedings in STC No.101 of 2019 pending on the file of the Judicial Magistrate No.I, Puducherry.

2. It is seen from the records that the 1st petitioner has given a complaint for the very same incident and an FIR came to be registered in Crime No.158 of 2016 against the 2nd respondent and others. The 2nd

respondent had also given a complaint against the petitioners and the same was registered in Crime No.160 of 2016. Since it is a case and counter, investigation was conducted in both the FIRs and the respondent police has now filed a final report in both the cases.

3. Insofar as Crime No.158 of 2016 is concerned, the same was registered in C.C.No.210 of 2019. Insofar as Crime No.160 of 2016 is concerned, the same was registered in S.T.C.No.101 of 2019. Both these cases are now pending before the Judicial Magistrate No.I, Puducherry.

4. The learned counsel for the petitioners and the learned counsel appearing on behalf of the 2nd respondent have putforth various contentions and all these contentions are factual in nature and the same cannot be gone into by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It will be necessary for the Court below to conduct a simultaneous trial in both the cases and come to a conclusion in accordance with law. It is left open to the petitioners as well as the 2nd respondent to putforth all the contentions before the Court below and the same shall be considered on its own merits and in accordance with law. The Court below shall keep in mind the guidelines given by the Hon'ble Supreme Court in Nathilal vs. State of Uttarpradesh reported in 1990 (SCC) CrI. Page 638 and the judgment of this Court in 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 (para 32 and 33) and shall deal with both the cases accordingly.

5. In the result, this Criminal Original Petition is disposed of with a direction to the Judicial Magistrate No.I, Puducherry to complete the proceedings in C.C.No.210 of 2019 and S.T.C. No.101 of 2019 within a period of four months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Inspector of Police,
Lawspet Police Station,
Puducherry.

2.The Judicial Magistrate No.I, Puducherry.

3. The Public Prosecutor
High Court of Madras.

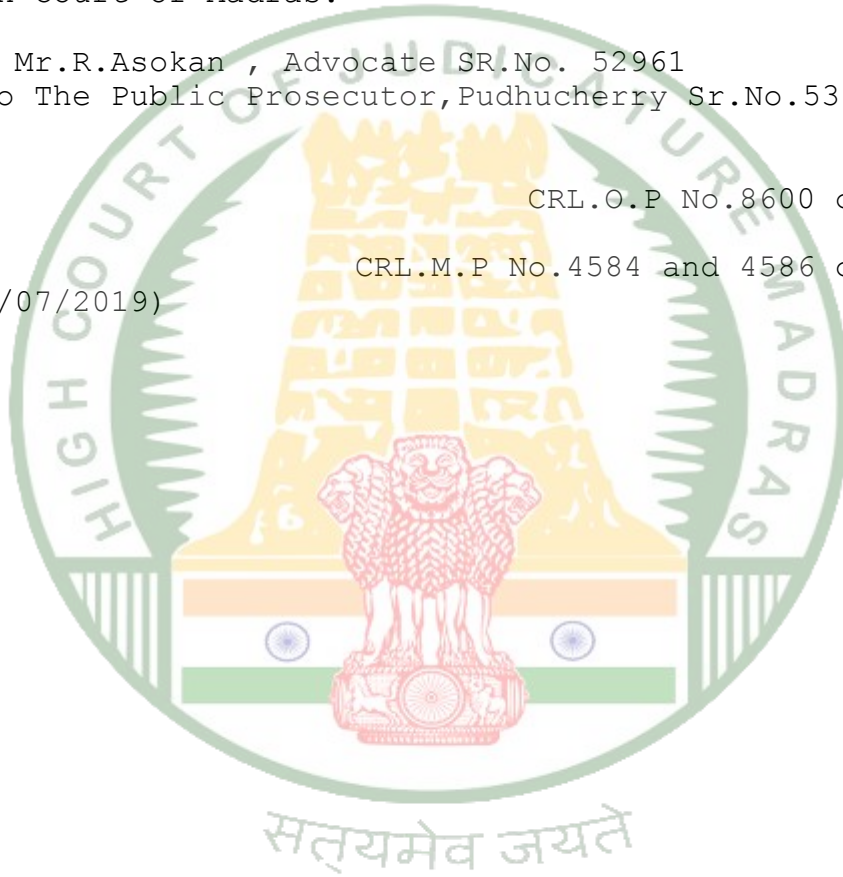
+1cc to Mr.R.Asokan , Advocate SR.No. 52961

+1 cc to The Public Prosecutor,Pudhucherry Sr.No.53809

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and

CRL.M.P No.4584 and 4586 of 2019

A.SK(15/07/2019)



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