

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.12205 of 2019

Sowntharya

.. Petitioner/A3

Vs.

1.The Inspector of Police,
Kairalabad Police Station,
Ariyalur District.

2.Kalpana

..Respondents/Complainant/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records of the proceedings and charge sheet in C.C.No.120 of 2018 on the file of the Judicial Magistrate-I, Ariyalur for the alleged offences under Sections 294(b), 354, 323 and 506(1) of the Indian Penal Code which arose from Crime No.121 of 2018 of Kairalabad Police Station, Ariyalur District and quash the same.

For Petitioner : Mr.J.Vijayshankar

For Respondents : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

Mr.C.Sivakumar (for R2)

सत्यमेव जयते
O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.120 of 2018, pending on the file of the Judicial Magistrate No.1, Ariyalur.

2.It is seen from records that a final report has been filed by the respondent police before the Court below as against four accused persons and the present petitioner has been added as A3. The Court below has taken cognizance against the accused for an offence under Sections 294(b), 354, 323 and 506(1) IPC.

3.The learned counsel for the petitioner submitted that there are absolutely no materials to rope in this petitioner as an accused in this case.

4.The learned counsel appearing on behalf of the 2nd respondent submitted that apart from the 2nd respondent, other witnesses have also spoken about the overact committed by the petitioner and therefore there is no ground to interfere with the proceedings.

5.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that there was a case and counter and in so far as the complaint given by this petitioner is concerned, an F.I.R. was registered in Crime No.120 of 2018 and after investigation, a final report has been filed and the same is now pending in Special S.C.No.42 of 2018 on the file of the Special Court for SC/ST Act, Ariyalur. The learned counsel submitted that both the cases can be tried by the same Court and there is no ground to interfere with the proceedings at this stage.

6.Taking into consideration the facts and circumstances of the case, this Court is not inclined to interfere with the proceedings at this stage. Two final reports are now at the stage of trial and in order to come to a correct conclusion, it will be fit and proper if the same Court tries both the cases between the parties.

7.This Criminal Original Petition is disposed of with a direction to the Judicial Magistrate No.1, Ariyalur to immediately transfer the entire case records to the file of the Special Court for SC/ST Act, Ariyalur. The Special Court for SC/ST Act, Ariyalur is directed to try both the cases by conducting a simultaneous trial and proceed further in accordance with law.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Judicial Magistrate-I,
Ariyalur.

2.The Chief Judicial Magistrate,
Ariyalur.

3.The Special Court for SC/ST Act,
Ariyalur.

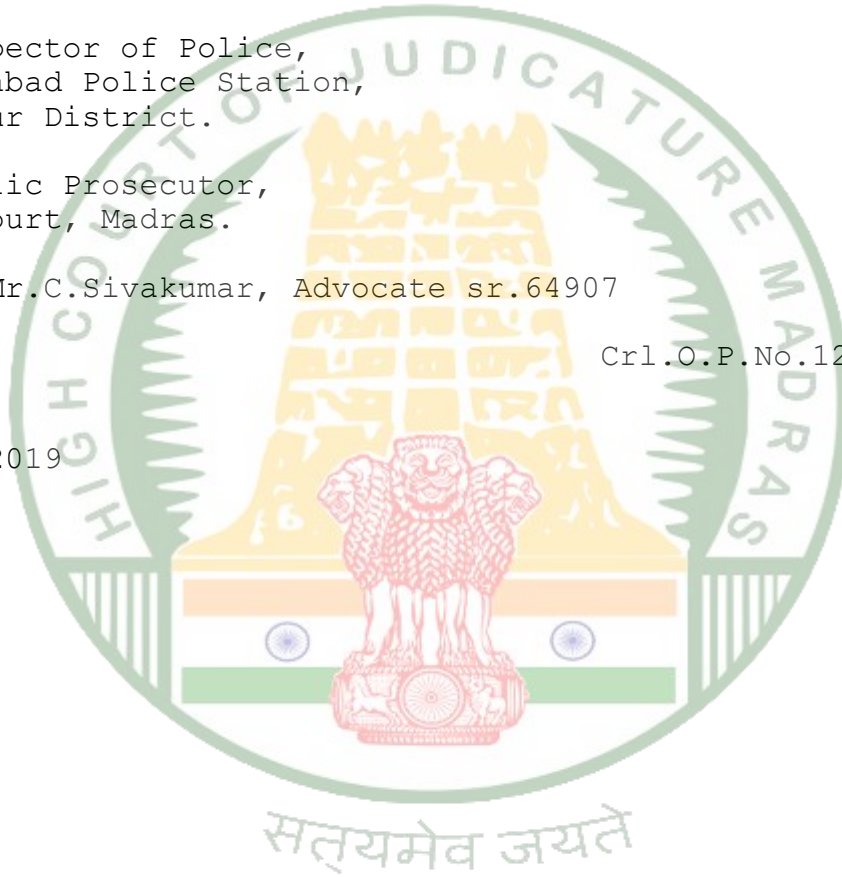
4.The Inspector of Police,
Kairalabad Police Station,
Ariyalur District.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Sivakumar, Advocate sr.64907

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