

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.2385 of 2014
and
Crl.M.P.No.1 of 2014

1.Raja
2.Saravanan
3.Poovarasu
4.Mohan

.... Petitioners

Vs.

1.The State rep. by,
The Inspector of Police,
B-1, Dharmapuri Police Station,
Dharmapuri District.
(Crime No.1992 of 2011)

2.Gnanavel @ Purusothaman

.... Respondents

[R2 is impleaded vide order of this
Court dated 27.02.2019 in
Crl.M.P.No.3016 of 2019 in
Crl.O.P.No.2385 of 2014]

PRAYER: Criminal Original Petition filed under Section 482 of
Cr.P.C, to call for the records relating to the complaint in
C.C.No.194 of 2011 on the file of the Judicial Magistrate No.I,
Dharmapuri and quash the same as far as the petitioners are
concerned.

For Petitioners: Mr.V.Sakkarapani
For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
For R2 : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the
proceedings in C.C.No.194 of 2011 on the file of the Judicial
Magistrate No.I, Dharmapuri.

2.It is seen that the petitioners are arrayed as A1 to A4 in Crime No.1992 of 2011. The present proceedings is case in counter. On the occurrence dated 22.09.2011, a complaint lodged by the 1st petitioner against the 2nd respondent and others, the 1st respondent Police registered a case in Crime No.1991 of 2011 for the offences under Sections 448, 249(b), 323 IPC r/w 3 and 4 of Tamil Nadu Public Property Damages Act, 2002. On the very same occurrence, the 2nd respondent, who is one of the accused in Crime No.1991 of 2011 also lodged a complaint against these petitioners, in which, the 1st respondent also registered a case in Crime No.1992 of 2011 for the offences under Sections 323 and 506(ii) of IPC.

3.Admittedly, both the cases are registered for the very same occurrence. Unfortunately, the 1st respondent without following the Police Standing Order No.56, laid the charge sheet in both the cases. In respect of the final report filed in Crime No.1991 of 2011 registered by the 1st respondent on the complaint lodged by the 1st petitioner herein taken cognizance in S.C.No.16 of 2017 on the file of the Principal District and Sessions Court, Dharmapuri and the prosecution also examined PW1 and PW2 and posted the matter for further evidence.

4.In respect of the final report filed in Crime No.1992 of 2011 registered as against these petitioners, the 1st respondent laid the charge sheet and the same has been taken cognizance for the offence under Sections 323 and 506(ii) of IPC in C.C.No.194 of 2011 on the file of the Judicial Magistrate Court No.I, Dharmapuri. Therefore, the counter complaint registered in Crime No.1992 of 2011, pursuant to which an impugned proceedings initiated by the 1st respondent in C.C.No.194 of 2011 cannot be sustained as against these petitioners. Since, the 1st respondent without ascertaining the real aggressor of the claim filed a final report in both the cases. Therefore, it would amounts to abuse of process of law. As such, it is liable to be quashed.

5.Hence, the proceedings in C.C.No.194 of 2011, on the file of the Judicial Magistrate Court No.I, Dharmapuri stands quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

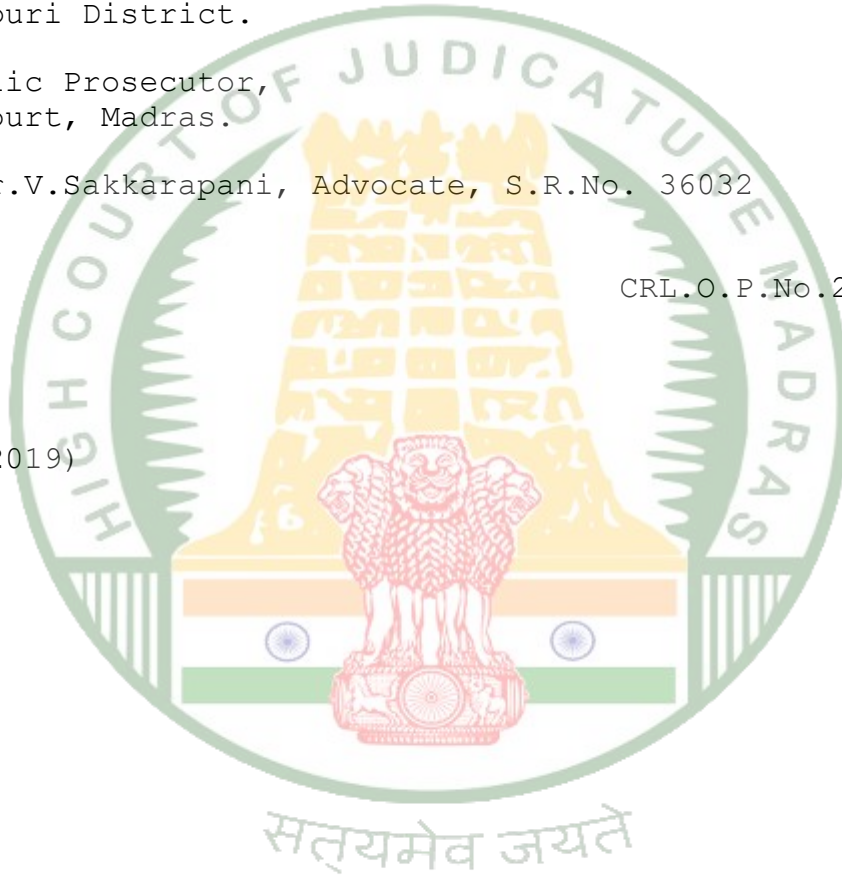
vv2

To

- 1.The Judicial Magistrate Court No.I,
Dharmapuri.
 2. Do Thro The Chief Judicial Magistrate,
Dharmapuri.
 - 3.The Inspector of Police,
B-1, Dharmapuri Police Station,
Dharmapuri District.
 - 4.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.V.Sakkarapani, Advocate, S.R.No. 36032

CRL.O.P.No.2385 of 2014

SKV(CO)
GN(04/06/2019)



WEB COPY