

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.Nos.25782 & 28789 of 2017
and Crl.M.P.Nos.14856, 14857 & 16261 of 2017

CRL.OP.No.25782 of 2017

1. Kriuthika
2. Gurumurthy
3. Dhanabakkiam

.. Petitioners

Vs.

- 1.The State,
represented by
The Sub Inspector of Police (L & O),
K-1, Sembium Police Station,
Perambur, Chennai-600 011.
(K-1 Cr.No.768/2016)

- 2.Mrs.Usharani
W/o.Chandrasekar

.. Respondents

CRL.OP.No.28789 of 2017

1. Usha Rani
2. Jothi
3. Dhanalakshmi
4. Pooventhan

.. Petitioners

Vs.

- 1.State through
The Sub-Inspector of Police,
K-1, Sembium Police Station,
Perambur, Chennai-600 011.
(Cr.No.767/2016)

- 2.Mrs.Keerthika
W/o.Shankareswaran

.. Respondents

Criminal Original Petitions filed under Section 482 Cr.P.C.
praying to call for the records pertaining to C.C.Nos.7017 &
6219 of 2017 respectively on the file of the V Metropolitan
Magistrate at Allikulam, Chennai and to quash the same.

For Petitioners
in Crl.OP.25782/2017: Mr.R.C.Paul Kanagaraj

For Petitioners
in Crl.OP.28789/2017: Mr.R.Ganesh Kumar

For Respondents : Mr.Saratha Devi. V.
Govt. Advocate for R1 in both cases
Mr.R.Ganesh Kumar for R2
(in Crl.OP.25782/2017)
Mr.RC.Paul Kanagaraj for R2
(in Crl.OP.28789/2017)

COMMON ORDER

Both the Criminal Original Petitions arise out of the Charge sheet filed in a case and in a counter case in connection with the same incident. The charge sheets are liable to be quashed on one main ground for violation of the POS No.566 of Tamil Nadu Police Standing Orders.

2. The Police standing orders 566 envisages the mode, in which, the Investigation Officer is required to handle the investigation in the case and in the counter case. The two options available under the said order viz., (i) to charge the case where the accused were aggressors or (ii) to refer both the cases if he should find them untrue.

3. The third circumstance is when the Investigation Officer finds that it is not possible for him to have a choice of either of the courses viz., to charge one of the two cases or to throw out both, he should seek the opinion of the Public Prosecutor of the District and act accordingly. In other words, laying of a charge sheet in both these cases would be permissible, only on a opinion rendered by the Public Prosecutor.

4. The Investigation Officer is also required to exhibit the counter complaint in the Court and also to prove the medical certificates of the persons wounded on the opposite side.

5. In the instant cases, the Investigation officer had chosen to file a charge sheet in both the complaints arising out of the same incident and a perusal of such charge sheet does not reveal that the opinion of the Public Prosecutor of the District was obtained. Likewise, the medical certificates of the persons wounded on the opposite side is also not reflected in the said charge sheet. Furthermore, each of the charge sheet do not refer to the counter complaint made. All these aspects are in

violation of the Order 566 of The Tamil Nadu Police Standing Orders and the proceedings are thereby liable to be set aside.

6. In the light of the above submissions, both the Criminal Original Petitions stand allowed and the charge sheets in C.C.Nos.7017 & 6219 of 2017, both on the file of the learned V Metropolitan Magistrate, Allikulam, Chennai, stands quashed. Consequently, the connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

KMI
To

1.The Sub Inspector of Police,
K-1, Sembium Police Station,
Perambur, Chennai-600 011.
(Crime No. 767 & 768/2016)

2. The Public Prosecutor,
High Court, Madras.

3.The V Metropolitan Magistrate
Allikulam, Chennai

4.The Chief Metropolitan Magistrate
Egmore, Chennai

+4 Ccs to Mr.R.C.Paul Kanagaraj, Advocate sr 98129.

+1 CC to Mr.R.Ganesh Kumar, Advocate sr 98176(21/02/2020)

Crl.O.P.Nos.25782 & 28789 of 2017
and

Crl.M.P.Nos.14856, 14857 & 16261 of 2017

PM(CO)
SP(22/01/2020)

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