

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2019

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.31389 of 2019

and

Crl.M.P.No.17154 of 2019

1.S.Gopinath @ Gopi

2.K.Sekar

3.Radha

...Petitioners

-Vs-

1.State rep.by

Rep.by its Inspector of Police

Vellore Taluk Police Station

Vellore.

Crime No.80 of 2017

2.Elumalai

3.State of Tamil Nadu

Rep.by its Inspector of Police

Vellore North Police Station

Vellore.

(R3 is impleaded as per order in

Crl.M.P.No.18068/2019 in

Crl.O.P.No.31389/2019 dated

04.12.2019)

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the registration of the First Information Report in F.I.R.No.80 of 2017, on the file of the first respondent herein, and to quash the same.

For Petitioners : Mr.W.M.Abdul Majeed

For Respondents : Mr.M.Mohamed Riyaz for R1 & R3
Additional Public Prosecutor

ORDER

This petition has been filed by the accused to quash the FIR in Cr.No.80/2017 on the file of the first respondent.

2. It is seen from the records that based on the complaint given by the first petitioner herein, the first respondent has registered an FIR in Cr.No.79/2017. So it appears that the case in Cr.No.79/2017 and case in Cr.No.80/2017 are counter cases. The first petitioner herein has filed Crl.O.P.No.31366 of 2019 to direct the third respondent to expedite the investigation in Cr.No.79/2017 and file final report at early.

3. Considering the said submissions, this Court by the order dated 09.12.2019 has directed the third respondent herein to expedite the investigation and file final report within a period of three months from the date of receipt of a copy of the said order. Since this case is a counter case, the request of the petitioners to quash the FIR in Cr.No.80/2017 cannot be accepted. This Court is of the view that the Investigating Officer has to conduct the investigation in both the cases and then only, he can find who is aggressor and therefore, in this case also, the third respondent is directed to expedite the investigation and file final report within a period of three months from the date of receipt of a copy of this order.

4. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna

To

1.The Inspector of Police
Vellore Taluk Police Station
Vellore.
Crime No.80 of 2017.

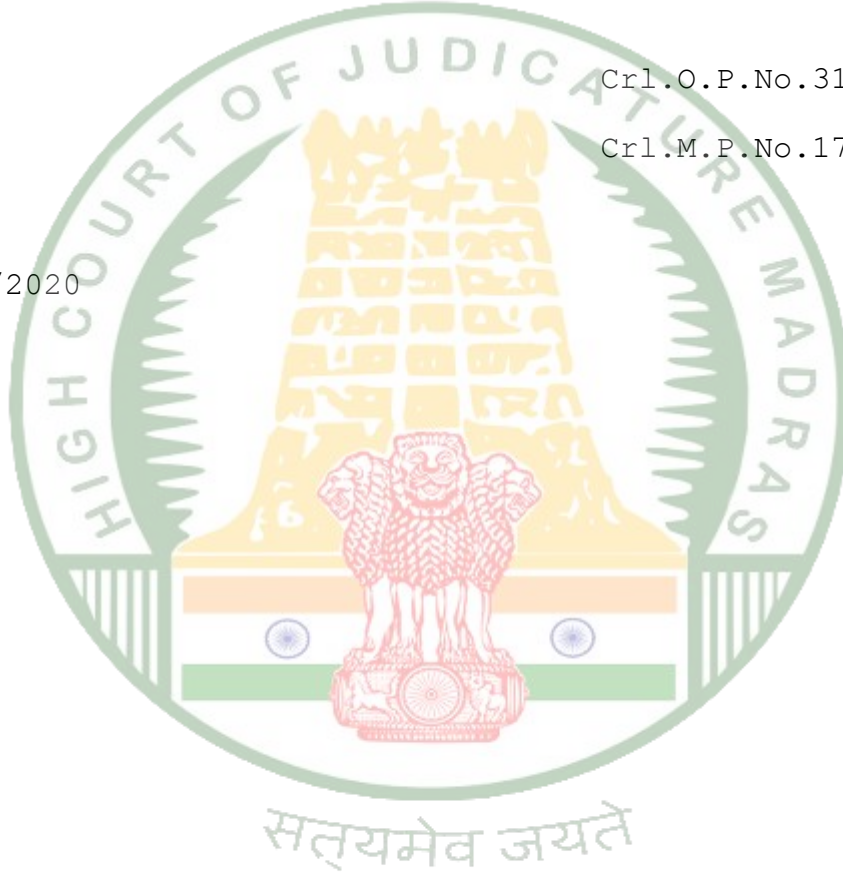
2.The Inspector of Police
Vellore North Police Station
Vellore.

3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.W.M.Abdul Majeed, Advocate Sr.104383 and 103046

Crl.O.P.No.31389 of 2019
and
Crl.M.P.No.17154 of 2019

mp[co]
srg 28/01/2020



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