



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P. (MD)No.11024 of 2019

and

Crl.M.P. (MD)No.6946 of 2019

1.Ponraj

2.Velvin

... Petitioners/Accused No.1&2

Vs.

1.The State rep by

The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

(Crime No.508 of 2018)

... Respondent/Complainant

2.Agnimuthu

... Respondent/Defacto

Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the case in Crime No.508 of 2018 pending on the file of the Inspector of Police, Panagudi Police Station, Tirunelveli District and quash the same as against the petitioners.

For Petitioners : Mr.R.Anand

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the proceedings in Crime No.508 of 2018 pending on the file of the first respondent.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent. Considering the nature of the order going to be passed in this petition, notice to the second respondent is dispensed with.

3. The learned counsel for the petitioners submitted that it is a case and case in counter. Earlier, the second respondent has filed the present complaint in Crime No.508 of 2018 for the offence



punishable under Sections 294(b), 324 and 506(ii) IPC, the first petitioner has also given a complaint against the second respondent, which was registered in Crime No.90 of 2019 for the offence punishable under Sections 294(b), 306 and 506(ii) IPC and now the investigation is pending. He further submitted that the respondent police without following the procedure contemplated under Rule 588-A of the Police Standing Order, has conducted enquiry on the present complaint and is taking steps to file a final report in this case. No simultaneous investigation in both cases has been conducted. Hence, the petitioner has filed the present petition to quash the FIR.

4. Today, when the matter is taken up for hearing the learned Government Advocate (Crl.Side) appearing for the official respondents, on instructions, would submit that, earlier the complaint given by the second respondent has been registered in Crime No.508 of 2018 on 23.10.2018 and investigation on the said complaint has been commenced. Thereafter, the petitioner filed a petition under Section 156(3) Cr.P.C., before the learned Judicial Magistrate concerned. Based on the direction of the learned Magistrate, the case in Crime No.90 of 2019 has been registered on 20.02.2019. In the meantime, the investigation in the present complaint has been conducted and final report has also been filed. He would further submit that the complaint lodged by the petitioner is pending investigation.

5. Considering the fact that in the present case investigation is completed and final report is also filed by the respondent police, at this stage the prayer sought for by the petitioner cannot be granted. Accordingly, this Criminal Original Petition is dismissed. However, since the investigation on the complaint lodged by the petitioner is pending, the respondent police is directed to complete the same and file a final report within a period of one month from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 CC to Mr.R.ANAND, Advocate (SR-80130[F] dated 06/08/2019)

Crl.O.P. (MD)No.11024 of 2019
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MK (30.09.2019) 3P 4C