



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 17.07.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P. (MD) .No.7455 of 2014

and

M.P. (MD) .Nos.1 and 2 of 2014

1.Murugesan

2.Rajendran

3.Sankar

4.Mariammal

5.Thangapandi

... Petitioners/Accused Nos.1 to 5

-Vs-

R.V.Lingam

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.14 of 2014 on the file of the learned Judicial Magistrate No.IV, Madurai and quash the same as illegal.

For Petitioners : Mr.J.Lawrance

For Respondent : Mr.J.Sulthan Basha
for M/s. Ajaml Associates

ORDER

The petition has been filed seeking to quash the private complaint in C.C.No.14 of 2014 pending on the file of the learned Judicial Magistrate No.IV, Madurai.

2. The main grievance of the petitioners is that for the very same occurrence, the respondent has already filed a police complaint in Crime No.911 of 2012 before Jaihindpuram Police Station for the offences under Sections 147, 148, 341, 294(b), 324 and 506(ii) of I.P.C. The above complaint has been enquired into and subsequently, negative final report has been filed closing the complaint as 'Mistake of Fact' before the learned Judicial Magistrate No.IV, Madurai and the learned Judicial Magistrate No.IV, Madurai, by an order dated 28.10.2013, accepted the final report and closed the complaint. Thereafter, for the very same occurrence, the respondent



has filed the present private complaint before the very same Judicial Magistrate and the learned Judicial Magistrate also taken cognizance of the case and issued process to the petitioners under the said complaint. Now, to quash the same, the present criminal original petition has been filed.

3. Heard the learned counsel on either side and perused the materials available on record.

4. On perusal of the records, it is seen that for the occurrence said to have taken place on 03.10.2011, the respondent herein filed a police complaint for which the F.I.R. has been registered and negative final report has also been filed before the learned Judicial Magistrate. After accepting the final report, the learned Judicial Magistrate closed the complaint. Thereafter, on 29.10.2013, the respondent herein filed a private complaint for the very same occurrence and the learned Judicial Magistrate also accepted the issue and taken cognizance of the same and issued process to the petitioners.

5. In the above circumstances, this Court is of the view that the second complaint for the very same occurrence is not maintainable. Hence, this criminal proceedings in C.C.No.14 of 2014 on the file of the learned Judicial Magistrate No.IV, Madurai is liable to be quashed and the Criminal original petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

The Judicial Magistrate No.IV, Madurai.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-76064[F] dated 18/07/2019)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-76256[F] dt 19/07/2019)

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JMN (08.08.2019) 2P : 4C