

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2020

CORAM:

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

CrI.O.P.No.3249 of 2020

and

CrI.M.P.Nos.1888 and 1889 of 2020

1.Gnanavel @ Purushothaman

2.Ashok

3.M.K.Raghu

4.Bharathiraja ... Petitioners/Accused 1 to 4

Vs.

1. Inspector of Police,  
Dharmapuri Town Police Station,  
Dharmapuri District.  
(Crime No.1991 of 2011)

2.Raja ... Respondents/Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records and quash the proceedings in S.C.No.16 of 2017 on the file of the learned II Additional District Judge, Dharmapuri, Dharmapuri District.

For Petitioners : Mr.K.Balu

For 1<sup>st</sup> Respondent : Mr.S.Karthikeyan  
Additional Public Prosecutor

For 2<sup>nd</sup> Respondent : Mr.V.Sakkarapani

O R D E R

This petition has been filed to quash the proceedings in S.C.No.16 of 2017 on the file of the learned II Additional District Judge, Dharmapuri, Dharmapuri District.

2. It is seen that the petitioners are arrayed as A1 to A4 in Crime No.1991 of 2011. The present proceedings is case in counter. On the occurrence dated 22.09.2011, a complaint lodged by the 1<sup>st</sup> petitioner against the 2<sup>nd</sup> respondent and others, the 1<sup>st</sup> respondent police registered a case in Crime No.1992 of 2011 for the offences under Sections 323 and 506(ii) of IPC. On the very same occurrence, the 2<sup>nd</sup> respondent, who is one of the accused in Crime No.1992 of 2011

also lodged a complaint against these petitioners, in which, the 1<sup>st</sup> respondent also registered a case in Crime No.1991 of 2011 for the offences under Sections 448, 294(b), 323 IPC r/w.3 and 4 of Tamil Nadu Public Property Damages Act, 2002.

3. Admittedly, both the cases are registered for the very same occurrence. Unfortunately, the 1<sup>st</sup> respondent without following the Police Standing Order No.588-A, laid the charge sheet in both the cases. In respect of the final report filed in Crime No.1992 of 2011, registered by the 1<sup>st</sup> respondent on the complaint lodged by the 1<sup>st</sup> petitioner herein taken cognizance in S.C.No.16 of 2017 on the file of the learned II Additional District Judge, Dharmapuri, Dharmapuri District 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.1991 of 2011, registered as against these petitioners, the 1<sup>st</sup> respondent laid the charge sheet and the same has been taken cognizance for the offences under Sections 448, 294(b), 323 IPC r/w.3 and 4 of Tamil Nadu Public Property Damages Act, 2002, in S.C.No.16 of 2017, on the file of the the learned II Additional District Judge, Dharmapuri, Dharmapuri District. Therefore, the counter complaint registered in Crime No.1991 of 2011, pursuant to which an impugned proceedings initiated by the 1<sup>st</sup> respondent in S.C.No.16 of 2017 cannot be sustained as against these petitioners. Since, the 1<sup>st</sup> 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 S.C.No.16 of 2017, on the file of the learned II Additional District Judge, Dharmapuri, Dharmapuri District stands quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

ssn

To

1. The II Additional District Judge,  
Dharmapuri, Dharmapuri District.

2. Inspector of Police,  
Dharmapuri Town Police Station,  
Dharmapuri District.

3. The Public Prosecutor,  
High Court, Madras.

CrI.O.P.No.3249 of 2020  
and

CrI.M.P.Nos.1888 and 1889 of 2020

GJ(CO)  
GMY(21/09/2020)



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