

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2020

CORAM

THE HONOURABLE Mr. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.9495 of 2016

and

Cr1.MP.No.4912 of 2016

1. Mrs.P.Soundaram,
W/o.Late Palanivel,
No.63 Nagarmalai Adivaram,
Alagapuram, Salem-636 016.

2. P.Thangavel,
S/o.Late Palanivel,
Block 3, G3,
Jains Green Acres,
91, Dargha Road,
Zamin Pallavaram,
Chennai-600 043.

... Petitioners/Accused

- Vs. -

1. The State Represented by,
Inspector of Police,
Alagapuram Police Station,
Salem District.
(Crime No.401 of 2015)

... 1st Respondent/Complainant

2. K.Velkrishna,
S/o.K.Kandasamy,
Greenways Road,
Fair Lands, Salem-636 016.

...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records pertains to the Crime No.401 of 2015 registered on the file of the first respondent police and to quash the same.

For Petitioners : Mr.J.Ramakrishnan

For Respondents : Mr.C.Iyyapparaj

Additional Public Prosecutor for R1

Mr.Ashok Kumar

Senior Counsel

for Mr.A.Sasidharan

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in Crime No.401 of 2015 on the file of the first respondent.

2. Heard the learned counsel for the petitioners, learned Additional Public Prosecutor appearing on behalf of the first respondent and the learned Senior Counsel appearing for the second respondent/de facto complainant.

3. The learned Additional Public Prosecutor submits that in this case, on completion of investigation, charge sheet has been filed against the first petitioner/A1 by dropping the name of A2 in C.C.No.81 of 2016, which is pending trial before the learned Judicial Magistrate-V, Salem and the case is listed on 14.08.2020 for framing of charges and hence, this petition has become infructuous and sought for dismissal.

4. The learned counsel for petitioner submits that in this case, the petitioner had filed to quash the FIR in Crime No.401 of 2015 on 22.04.2016 before this Court and thereafter, the same was listed before this Court and this Court, by order dated 08.06.2016 granted interim stay. The charge sheet has been filed on 02.07.2016 when the stay in force. He would further submit that the petitioner preferred complaint against the de facto complainant in Crime No.402 of 2015. This case as well as in Crime No.401 of 2015 are in the nature of case in counter as regards Crime No.402 of 2015, the petitioner is not aware of the stage. It is informed that Crime No.402 of 2015 has been closed as mistake of fact. He would further submit that the petitioner was not served with any notice in this regard.

5. Taking into consideration the facts and circumstances of the case and the fact that Crime Nos.401 & 402 of 2015 are in the nature of case in counter, both the complaints are to be investigated and proceeded together, this Court directs the first respondent to serve RCS notice to the petitioners enabling them to file their objections with regard to the same.

6. With the above directions, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmi

To

1. The Inspector of Police,
Alagapuram Police Station,
Salem District.

2. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

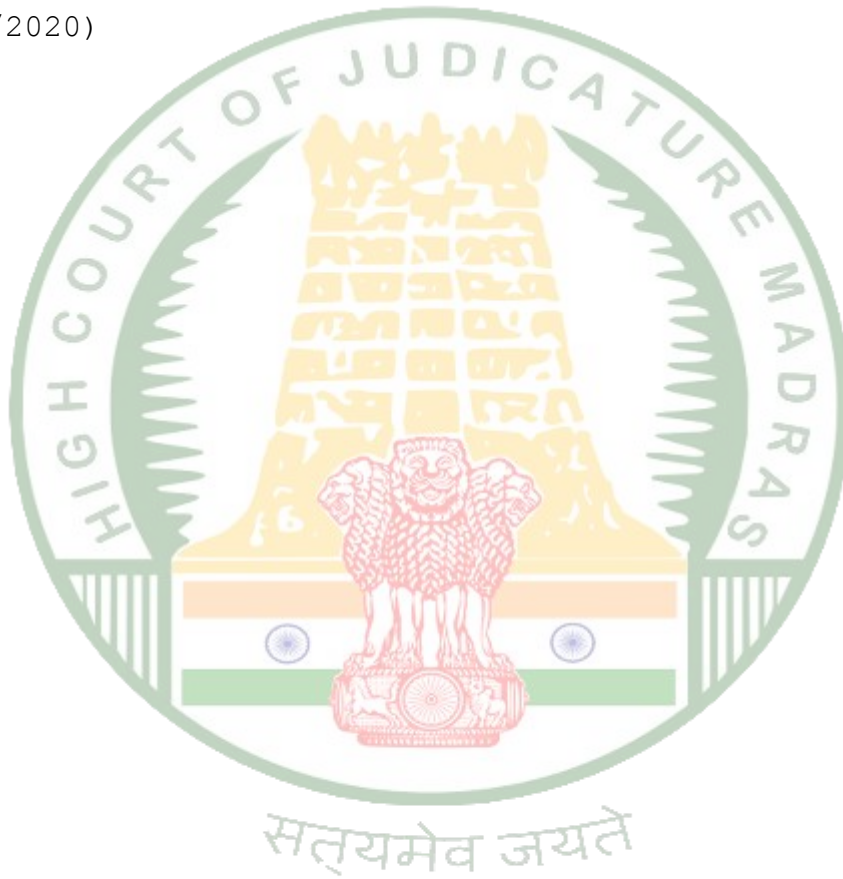
+1 cc to Mr.A.Sasidharan, Advocate Sr.No. 26612

+1 cc to Mr.J.Ramakrishnan, Advocate Sr.No. 26497

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SKS (CO)

RMP (31/08/2020)



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