



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2020

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD) No.12426 of 2020

and

Crl.M.P(MD) Nos.5612 & 5613 of 2020

J.Maragatham

... Petitioner/Single Accused

Vs.

1.The State Represented by
Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District,
(Crime No.538/2017)

...RespondentNo.1/
Complainant

2.Gnana sankar

...RespondentNo.2/Defacto
Complainant

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the recrods relating to CC.No.324 of 2019 on the file of Judicial Magistrate Court No.II, Virudhunagar and to quash the same.

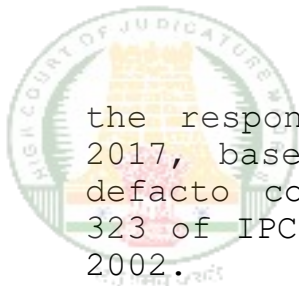
For Petitioner : Mr.C.Prabakaran
For R-1 : Ms.S.E.Veronica Vincent
Government Advocate (Crl. Side)

O R D E R

Heard, the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the first respondent.

2.This Criminal Original Petition has been filed for quashing the case in CC.No.324 of 2019 on the file of Judicial Magistrate Court No.II, Virudhunagar.

3. The case of the prosecution is that on 20.10.2017 at 11.00am, a meeting was conducted at the office of the Block Education Directorate at Virudhunagar. The meeting was presided over by the second respondent/Defacto complainant. During the meeting, the petitioner was purposely directed to explain the lesson taught thereon, for which, the petitioner refused to do so and in turn the second respondent abused the petitioner, whileso the petitioner have threatened the defacto complainant with dire consequences. Hence, the second respondent/Defacto complainant had lodged a complaint against the petitioner. A case in Crime No.538 of 2017 has been registered on the file of the first respondent police against the petitioner, for the offences under Sections 294(b), 353, 355 and 506 (i) of IPC. Even before registration of the Crime No.538 of 2017,



the respondent police have registered a case in Crime No.537 of 2017, based on the complaint given by the petitioner against the defacto complainant/the second respondent, under Sections 294(b), 323 of IPC and Section 4 of Prohibition of Harrasment of Women Act, 2002.

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4.The learned counsel for the petitioner would state that since the charge levelled against the petitioner and the allegation made in the First Information Report are contrary to each other, the 1st respondent police altered the charges into 294(b), 353 and 355 of IPC only. According to the petitioner, the said offences are also not made out against him. Hence, the petitioner has come before this Court with this Criminal Original Petition.

5.When the matter is taken up for hearing today, the learned Government Advocate (Crl. Side) would state that this is a case and counter case. She would further submit that cases have been taken on file in CC No.215 of 2019 and CC No.324 of 2019, before the Judicial Magistrate Court No.II, Virudhunagar, against the defacto complainant and the petitioner respectively, for the complaints made against each other.

6.The learned counsel for the petitioner would state that it would suffice, if a direction is issued to the learned Judicial Magistrate II Virudhunagar to complete the trial within the stipulated time.

7. Considering the facts and circumstances of the case and taking into consideration the submissions made by both sides, the learned Judicial Magistrate II, Virudhunagar is directed to try both the cases in CC No.215 of 2019 and CC No.324 of 2019 together and complete the trial within a period of six months from the date of receipt of a copy of this order.

8.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

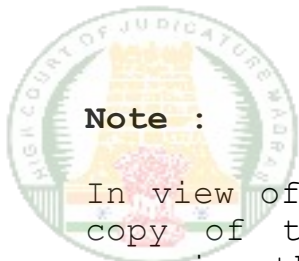
Assistant Registrar (CSIII)

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Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:

- 1.The Judicial Magistrate NO-II
Viruthunagar.
- 2.The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KMV(CO)
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