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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.7941 of 2018
and Crl.M.P.No4077 of 2018

Nagarajan

...Petitioner

Versus

1.The Sub Inspector of Police,
Poolampatti Police Station,
Salem District.
Cr.No.7/2017.

2.Sridevi

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.2 of 2018 on the file of the Judicial Magistrate NO.I, Sankari, Salem District and quash the same.

For Petitioner : Mr. N.R.Elango, Senior Counsel for
Mr.Jerald C Tennyson

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

O R D E R

The petitioner is a permanent resident of Reddipatti Village, Edappadi Taluk, Salem District and he is residing there for decades together and he belongs to a particular political party. The petitioner as well as his wife have served as the President of the village Panchayat. While being so, on 01.01.2017, the husband of the second respondent threatened the petitioner and his wife. Hence the petitioner has given a complaint before the 1st respondent Police which was registered as Cr.No.6 of 2017, against the husband of the 2nd respondent. Further on 09.01.2017, subsequent to the complaint of the petitioner herein, the 2nd respondent has given a false complaint in counter to the complaint given by the petitioner and the same was registered as Cr.No.7 of 2017 under Section 294(b), 506(i) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.



2. It is the case of the petitioner that the respondent police have not taken any steps to investigate the FIR given by the petitioner herein and till date no charge sheet has also been filed on the FIR of the petitioner. However, the respondent Police has all along completed the investigation in the counter complaint given by the 2nd respondent and filed a Charge Sheet in C.C.No.2/2018, before the Judicial Magistrate No.I, Sankaragiri, on 06.01.2018. Aggrieved by the same, the present petition is filed to quash the charge sheet filed in Cr.No.7 of 2017, against the petitioner.

3. The learned Senior Counsel appearing for the petitioner submitted that though the petitioner has filed the first complaint in the very same Police Station against the husband of the 2nd respondent, the said complaint has not been investigated properly, but, however, the counter complaint, received subsequent to the complaint of the petitioner, has been investigated and charge sheet was also filed. It is the submission of the learned senior counsel for the petitioner that investigation into the counter case, which is subsequent to the complaint given by the petitioner is clear violation of concerned provision of the Police Standing Orders. If the Police Station receives case and counter case, the complaints have to be taken for simultaneous investigation and thereafter Charge Sheet has to be filed before the Trial Court, which, in turn, shall conduct a single comprehensive trial. However, in the present case, the petitioner's complaint has not been investigated and till date, no charge sheet has been filed and hence, this Court may issue direction to the 1st respondent to complete the investigation and file charge sheet and the trial court be further directed that as and when charge sheet is filed in Cr.No.6 of 2017, the same to be taken on file and a single trial be conducted in both the crime numbers and completed within a reasonable time, as fixed by this Court.

4. The learned Government Advocate (Crl.Side) submitted that in Cr.No.6 of 2017, investigation has been completed and Charge Sheet was filed on 31.01.2017, however, till date it has not been taken on file by the trial court. Therefore, this Court may issue appropriate direction to the Trial Court to conduct simultaneous trial.

5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly it is a case in counter where two complaints have been filed in which investigation has been completed and charge sheet has been filed of which one charge sheet has been taken



cognizance of, relating to Crime No.7 of 2017. It is conceded by the 1st respondent that charge sheet has been filed in Cr.No.6 of 2017, which is yet to be taken cognizance of.

7. In the aforesaid circumstances, this Court is of the considered view that it is necessary to conduct simultaneous trial both the cases. In view of the fact that charge sheet in Crime No.6 of 2017 is said to have been filed on 31.01.2017, the the Trial Court is directed to take the police report on file and assign Calender Case number, conduct simultaneous trial in both cases and pass appropriate orders as expeditiously as possible.

8. This Criminal Original Petition is disposed of. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.1,
Sankari,
Salem District.

2.The Sub Inspector of Police,
Poolampatti Police Station,
Salem District,
Cr.No.7/2017.

3.The Public Prosecutor,
Madras High Court.

+1cc to Mr.Jerald C Tennyson, Advocate, S.R.No.41306

CRL.O.P.No.7941 of 2018

PL(CO)
CB(06/10/2021)