

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P NO.6674 OF 2021

AND

CRL.M.P.NO.4449 OF 2021

1.Thirunavukkarasu

2.Kothandan

... Petitioners

vs.

1. The State Rep.by the Inspector of Police,
Barur Police Station,
Krishnagiri District.

2. Tmt.Sambangi

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pending on the file of the 1st respondent police namely the Inspector of Police, Barur Police Station, Krishnagiri District in Crime No.643 of 2020 and quash the criminal proceeding.

For Petitioners: Mr.E.Kannadasan

For R1 : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

The Criminal Original Petition has been filed to call for the records pending on the file of the 1st respondent police namely the Inspector of Police, Barur Police Station, Krishnagiri District in Crime No.643 of 2020 and quash the criminal proceeding.

2.The learned counsel appearing for the petitioners submitted that it is a case and counter. The petitioners who are accused in Crime No.643 of 2020. The first petitioner is the complainant in the above said crime number and also in Crime No.644 of 2020 and the occurrence have also taken at the same

place. He further submitted that it appears that both the complaints are almost similar, except for the inclusion of the second petitioner/son of the first petitioner. There is a mention about the civil suit and other aspects are similar in nature. The inclusion of the second petitioner is clearly exposed.

3.The learned Additional Public Prosecutor appearing for the first petitioner submitted that it is a case and counter, by following the Police Standing Order 588 A it clearly states that "If one case comes to the Magistrate and another case goes to the police and it is made unknown to the Magistrate that a counter case is pending investigation before the Police Officer, the best course for the Magistrate is to forward his case to the Police Officer under the power conferred on him under Section 202 of the Code of Criminal Procedure, in which case, the Police Officer will follow the Standing Order referred to above.

4.The learned Additional Public Prosecutor appearing for the first respondent further submitted that the first respondent police is very vigilant and conducting investigation in both the case and shall complete the same and file the final report, within a period of two months. The grievance of the petitioner is considered and redressed.

5.Recording the same, the above said Criminal Original Petition is closed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Barur Police Station, Krishnagiri District.
2. The Public Prosecutor, High Court, Madras.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.22916

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PPA(CO)
CS/01/07/2021