

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P No.7195 of 2021

T.S.Prasanna

... Petitioner

vs.

1.State represented by
Sub Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.

2.Arivazhagan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.113 of 2020 dated 31.01.2020 on the file of the first respondent.

For Petitioners: Mr.R.Balakrishnan

For R1 : Mr.C.Raghavan
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to call for the records and quash the FIR in Crime No.113 of 2020 dated 31.01.2020 on the file of the first respondent.

2.The petitioner is an accused in Crime No.113 of 2020 for the offence under Sections 294(b), 323, 506(ii) IPC filed this quash petition.

3.It is seen that the second respondent is running a Gym in the name of Happy Gym at Vivekananda Nagar. The petitioner took a training before the second respondent Gym and thereafter left the place and joined in another Gym. On 18.01.2020, at morning 11.30 hours the petitioner was wrongfully restrained by the second respondent and five others. The petitioner was attacked by them and got injured on the right side chin and left leg and he had lodged a complaint before the first respondent police,

which was taken on file as C.S.R. No.55 of 2020 and the petitioner was admitted in the Hospital and took treatment at Stanley Government Hospital and thereafter admitted in Chennai National Hospital for further treatment. The second respondent also gave a complaint before the first respondent police in CSR.No.57 of 2020. The first respondent police registered a case against the petitioner in Crime No.113 of 2020. But, the respondent police has not registered a case as against the second respondent and five others.

4.The learned Government Advocate (Criminal Side) appearing for the first respondent submitted that the CSR.No.55 of 2020 was closed. From both the complaint it is seen that the occurrence had taken place at the same point of time and the complaints in CSR.No.55 of 2020 and Crime No.113 of 2020 are in the nature of 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".

5.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 cases and shall complete the same and file the final reports, within a period of two months. The grievance of the petitioner is considered and redressed.

6.In view of the same, the above said Criminal Original Petition is disposed of.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

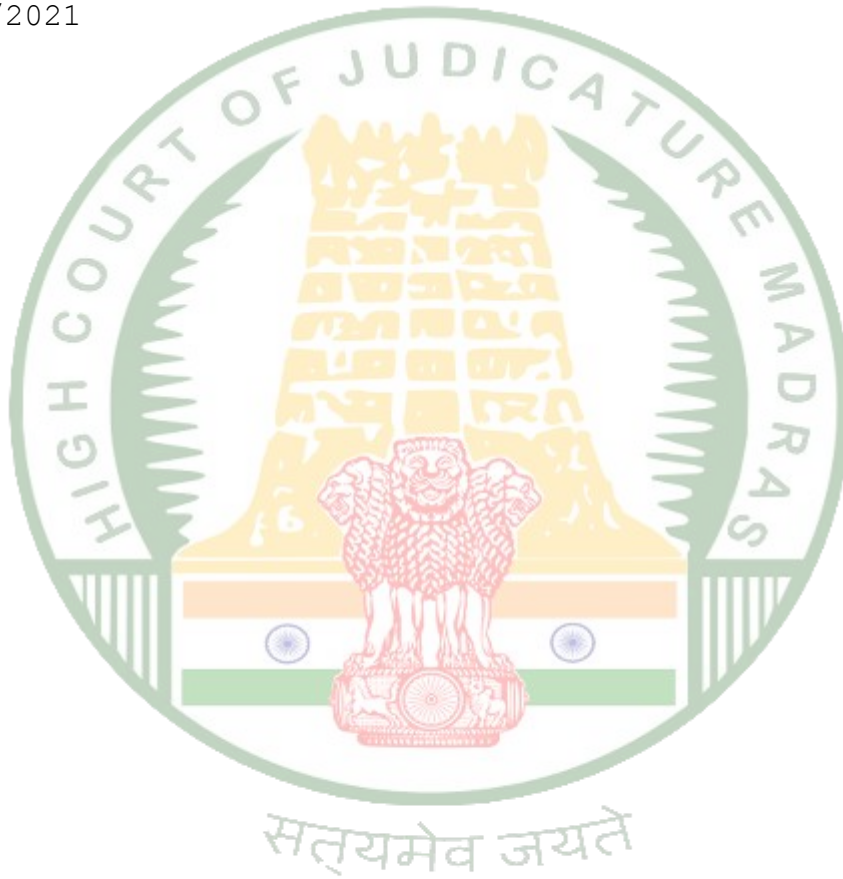
1.The Sub Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.

2.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.R.Balakrishnan, Advocate Sr.24069

Cr1.O.P No.7195 of 2021

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