

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.751 of 2017

and

Crl.MP.Nos.540 & 541 of 2017

1.Varatharaji
2.Shailaja
3.Jayamathi
4.Deepa
5.Nasi
6.Kutti Raji
7.Kasinathan

...Petitioners/Accused No. 1 to 7

.Vs.

Thozhamalaiyaan

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.18/2016, pending on the file of the learned Judicial Magistrate No.III, Thirupathur, Vellore District and quash the criminal proceeding.

For Petitioners : Mr.E.Kannadasan

O R D E R

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.18/2016, pending on the file of the Judicial Magistrate No.III, Thirupathur, Vellore District.

2.The respondent has filed a private complaint against the petitioners alleging that he was attacked by the petitioners and he sustained injuries and he was also abused and criminally intimidated.

3.Heard Mr.E.Kannadasan, learned counsel for petitioners. The respondent has been served with the notice and his name has also been printed in the cause list and he has not appeared either in person or through counsel.

4. It is seen from records that the petitioners and respondent are relatives and there is a property dispute amongst them. The 2nd petitioner gave a complaint against the respondent and others before the Yelagiri Police Station and an FIR came to be registered in Crime No.3 of 2015, for an offence under Section 294(b), 324 and 506(ii) IPC. The respondent has also given a similar complaint against

to be registered in Crime No.4 of 2015. When the case and counter is pending investigation before the concerned Police, for the very same incident the respondent has also given a private complaint and the court below has taken cognizance of the same.

5. In the considered view of this Court, the private complaint given by the respondent for the very same incident should not have been entertained by the court below since the case and counter is already under investigation before the concerned police. By entertaining the private complaint, it has only led to multiplicity of proceedings. The continuation of the criminal proceedings before the Court below is an abuse of process of court and it requires the interference of this court. Ultimately, the case and counter that is being investigated will lead to the filing of a final report and if the respondent is aggrieved with the final report, he has to independently work out his remedy. The respondent cannot parallelly initiate complaint proceedings on the very same set of facts for which he has already given complaint before the police and an FIR has been registered.

6. In the result, the proceedings in C.C.No.18/2016, pending on the file of the Judicial Magistrate No.III, Thirupathur, Vellore District, is hereby quashed and accordingly this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1. Judicial Magistrate No.III, Thirupathur,
Vellore District.

2. do Thro The Chief Judicial Magistrate,
Vellore.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No. 2844

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SSN(CO)
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