

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.02.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.11007 of 2017
and Crl.M.P No.7284 & 7285 of 2017

1.Kanagaraj
2.Sivakumar
3.Suresh
4.Malliga

Petitioners

vs.

1.The State Rep. by
The Inspector of Police,
Jolarpet Police Station,
Vellore District.

2. Kalaiyarasan

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 learned Judicial Magistrate No.I, Thiruppathur, Vellore District in C.C.No.46 of 2016 and quash the criminal proceedings.

For Petitioners: Mr.E.Kannadasan

For Respondent : Mr.C.Raghavan
Government Advocate for R1

ORDER

This petition has been filed to quash the proceedings in C.C.No.46 of 2016 pending on the file of the learned Judicial Magistrate, No.I, Thirupathur, Vellore District.

2.The case of the prosecution is that the petitioners and the 2nd respondent are adjacent land owners and there was a long pending land dispute between the parties. On 28.02.2016, when the 2nd respondent was levelling his property, there was some dispute which resulted in both the parties attacking each other. Both the parties gave complaints and FIR came to be registered in Crime Nos.109 of 2016 and 110 of 2016 for offences under Sections 294(b), 324 and 506(ii) IPC.

3.On completion of the investigation, final report has been filed in both the cases and the same has been taken cognizance by the Court below in C.C.Nos.46 of 2016 and 49 of 2016 respectively.

4.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the 1st respondent.

5.The respondent police at the time of investigation of both the case and counter ought to have identified the real aggressor and filed a final report. However, the respondent police has mechanically filed two final reports for the very same offences and the same is against the established principles of law. Useful reference can be made to the judgment of this Court in the case of Kumar and Others vs. State and Others reported in 2019 4 MLJ Cr1 445 and reported in 2019 2 LW Cr1. 949. This Court had held that two final reports cannot be filed in this fashion without ascertaining the real aggressor and a final report must be filed against the actual accused person.

6.In view of the above, this Court is inclined to quash both the proceedings since no useful purpose will be served in keeping the proceedings pending.

7.In the result, proceedings in C.C.Nos.46 of 2016 and 49 of 2016, pending on the file of the learned Judicial Magistrate, No.I, Thirupathur, Vellore District are here by quashed and this criminal original petition is accordingly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

ssr

To

1. The Judicial Magistrate No.I,
Thiruppathur, Vellore District.
2. The Inspector of Police,
Jolarpet Police Station,
Vellore District.

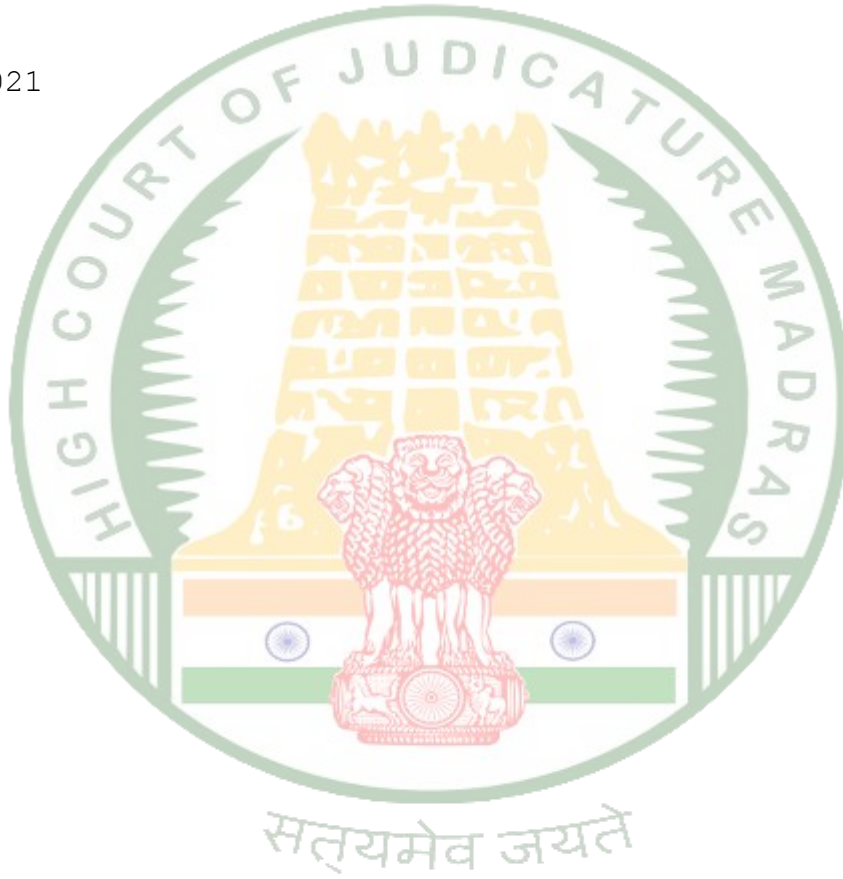
WEB COPY

3. The Public Prosecutor,
High Court of Madras, Madras.

+1 cc to Mr.E.Kannadasan Advocate sr10965

Crl.OP No.11007 of 2017
and Crl.M.P No.7284 & 7285 of 2017

pmk(co)
aa18/03/2021



WEB COPY