



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.OP.NO.28276/2017

[Video Conferencing]

1.Ayyasamy

2.Sathishkumar

3.Muthukumar

... Petitioners

Versus

1. The State rep.by
The Inspector of Police
Varappalayam Police Station
Erode District.

2. Rangasamy

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the case in Crime No.250 of 2017 on the file of the 1st respondent Police, quash the same by allowing this Criminal Original Petition.

For Petitioners : No Appearance

For R1 : Mr.E.Raj Thilak
Government Advocate
[Cr1.Side]



ORDER

WEB (1) There is no representation on behalf of the petitioners today. However, the matter has been listed under the caption ''for dismissal''.

- (2) A perusal of the records reveals that the FIR in Crime No.250/2017 had been registered by the Varappalayam Police Station in Erode District under Sections 147, 447 and 379 of IPC as against the present petitioners and also against unknown 10 persons. For good measure, the 1st petitioner herein had also lodged a counter complaint, which had been registered in Crime No.251/2017 by the very same Police Station for the offences under Sections 147, 447, 427 and 379 of IPC. The accused therein is Rajan Naicker @ Sridhar and 8 others. Naturally, when investigation is to be conducted in two FIRs, normally called as case and counter case, the police officials will have to examine the facts as presented by the complainants in the two FIRs. One FIR cannot be segregated from the other as the facts relating to the particular incident are directly interwoven and both will have to be taken up for investigation. Witnesses will have to be examined with respect to both the FIRs, which had been registered by the respondent Police. That would necessitate, examining the present petitioners with respect to their complaint pursuant to which, FIR in Crime No.251/2017 had been registered and also examining the accused against whom they had given such a complaint, who had lodged FIR in Crime No.250/2017. Quashing of one FIR alone is not contemplated in the procedure and therefore, even though there is no representation on behalf of the petitioner, I would dismiss the present petition and direct the respondent Police to continue with their investigation with respect to both FIRs and file the Final Reports based on the evidence gathered in the said investigation.



(3) With the above observations, the Criminal Original Petition stands dismissed.

WEB COPY

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

AP

To

1. The Inspector of Police
Varappalayam Police Station
Erode District.
2. The Public Prosecutor
High Court, Madras.

Cr1.OP.No.28276/2017

PMK(CO)
RLP(17/09/2021)