

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P Nos.34566 of 2019 and 1888 of 2021
and Crl.MP.Nos.19161 & 19162 of 2019 and 1076 & 1077 of 2021

Crl.OP.No.34566 of 2019:

C.K.Raju

...Petitioner

Vs.

1. The Inspector of Police
J-3, Guindy Police Station,
Chennai-32
Crime No.2596 of 2017

2. Yovan

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in CC.No.2561 of 2019 for the alleged offence under Section 294(b), 324 and 506(i) of IPC on the file of the IX Metropolitan Magistrate, Saidapet, Chennai filed by the second respondent against the petitioner herein and quash the proceedings.

For Petitioner : Mrs.M.Murugeswari

For Respondents : Mr.C.Raghavan R1

Government Advocate

Crl.OP.No.1888 of 2021: सत्यमेव जयते

Yovan

...Petitioner

Vs.

1. The Inspector of Police
J-3, Guindy Police Station,
Chennai-32

2. C.K.Raju

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in CC.No.2059 of 2019 for the alleged offence under Section 294(b), 324 and

506(i) of IPC on the file of the IX Metropolitan Magistrate, Saidapet, Chennai filed by the second respondent against the petitioner herein and quash the proceedings.

For Petitioner : Mr.M.Ganesan
For Respondents : Mr.C.Raghavan R1
Government Advocate

COMMON ORDER

The issues involved in both these cases are common and hence, they are taken up together, heard and disposed of through this common order.

2. An incident took place on 17.10.2017, resulting in both the parties having a wordy quarrel and attacking each other. Based on the complaint given by both the parties, a case and counter was registered in Crime Nos.2595 & 2596 of 2017. On completion of the investigation, final report was filed in both the FIRs' for offences under Section 294(b), 324 and 506(i) of IPC.

3. Both the calender cases are challenged before this Court by the respective parties seeking to quash the proceedings.

4. This Court has carefully considered the submissions made by the learned counsel appearing for the respective parties.

5. The main issue that has been raised by the learned counsel appearing on either side is that the case involves multiple complaints on the same incident which is registered as a case and counter and the Investigating Officer must investigate both the cases and find out the real aggressor and the final report should be filed against such aggressor. However, in the present case, the respondent police did not take any efforts to find out the real aggressor and mechanically, final report has been filed in both the cases for the very same offence. Therefore, it was argued that the criminal proceedings are liable to be interfered by this Court. To substantiate this submission, the learned counsel relied upon the judgment of this Court in *[Kumar and others Vs. State by Inspector of Police, Rasipuram Police Station, Namakkal District and another]* in 2019 4 MLJ Cr1 445.

6. In the considered view of this Court, the respondent police has investigated this case mechanically without taking any efforts to find out the real aggressor. Surprisingly, final reports have been filed in both the cases for the very same offence. In view of the same, entire investigation is vitiated

and both the proceedings are liable to the interfered by this Court. The law on this issue, is well settled and the judgment relied upon by the learned counsel on either side will squarely apply to the facts of the present case.

7. In the result, the proceedings in CC.Nos.2561 and 2059 of 2019 on the file of the IX Metropolitan Magistrate, Saidapet are hereby quashed and both the Criminal Original Petitions are allowed accordingly. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The IX Metropolitan Magistrate,
Saidapet.

2. The Inspector of Police
J-3, Guindy Police Station,
Chennai-32

3. The Public Prosecutor,
High Court, Madras

+1cc to Mr.M.Ganesan, Advocate SR.NO..16038

AKM/15.04.21/3P-5C/

CRL.O.P Nos.34566 of 2019
and 1888 of 2021

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and 1076 & 1077 of 2021
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