



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.4806 of 2021 and

CRL.M.P. (MD)No.2736 of 2021

WEB COPY

1. Chellamuthu Gounder
2. Palanivel
3. Gunasekaran
4. Sumathi

... Petitioners /
Accused Nos.1 to 3 & 5
Vs.

1. State rep. By,
The Inspector of Police,
District Crime Branch,
Dindigul,
Dindigul District.
(Crime No.9 of 2020) ... 1st Respondent / Complainant

2. Kalimuthu ... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned First Information Report in Crime No.9 of 2020 dated 03.09.2020 on the file of the first respondent police and quash the same as illegal in so far as the petitioners are concerned.

For Petitioners : Mr.P.Krishnasamy
For R-1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.
For R-2 : Mr.S.C.Herold Singh

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

2. This criminal original petition has been filed to quash the First Information Report in Crime No.9 of 2020 registered on the file of the District Crime Branch, Dindigul.

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that final report has been filed and cognizance of the offences has been taken and the case is pending in C.C.No.540 of 2021 on the file of the Judicial Magistrate No.II, Dindigul. The next hearing date is 22.12.2021.



4. Therefore, this criminal original petition is dismissed as infructuous.

5. All the contentions and the defences of the petitioners are left open. It is open to the petitioners herein to challenge the final report. Since the defacto complainant has already entered appearance through counsel, if the petitioners choose to challenge the final report by filing a criminal original petition, advance papers may be sent to the learned counsel appearing for the defacto complainant and the said criminal original petition will be taken up for disposal at the admission stage itself.

6. Considering the special circumstances obtaining in this case, the petitioners are permitted to be represented by counsel before the trial Court on 22.12.2021 and apply for certified copies of the final report and Section 161 Cr.P.C. statement. The counsel will have Vakalat for the petitioners. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Judicial Magistrate No.II, Dindigul

2. The Inspector of Police,
District Crime Branch,
Dindigul,Dindigul District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-39015[F] dated
16/12/2021)

Crl.O.P. (MD)No.4806 of 2021
15.12.2021

NSN(CO)

KB(24.12.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>