



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.5045 of 2021

1.P.Santhanam
2.P.Sundaravel
3.Balu
4.chithiran
5.Abdul Muthalif

... Petitioners/Accused Rank not known

Vs

The Deputy Commissioner of Police,
Crime and Transport Wing,
Trichy.

Crime No.Not Known of 2021. ... Respondent/Complainant

V.Rathinam ... Petitioner/Intervenor
in Crl.MP(MD)No.3115 of 2021

For Petitioner : Mr.M.Ganapathi Subramanian,
Advocate

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

For Intervenor : Mr.Sulthan Basha,Advocate
for M/s.Ajmal Associates

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.Not Known of 2021 on the file
of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Section
82 of the Registration Act, 1908 in Crime No.Not Known of 2021, seek
anticipatory bail.



2.It appears that the Sub Registrar, K.Sathanur, Trichy has lodged a complaint before the respondent police in Na.Ka.No.74 of 2021 dated 22.03.2021 stating that the District Registrar (Administration), Trichy had conducted an enquiry with regard to the petition filed by one Rethinam and by the proceedings of the District Registrar, Trichy in Mu.Mu.No.5403/A4/2019, dated 03.02.2021 found that the petitioners had created false documents and requested the respondent police to register a case.

3.The learned counsel for the petitioner submitted that for the very same allegation, one Vijay Prasanth, son of Rethinam, lodged a complaint before the respondent police, City Crime Branch, Trichy. Based on the same, a case was registered in Cr.No.21 of 2016 and final report was also filed and it was taken cognizance by the learned Judicial Magistrate No.II, Trichy in C.C.No.298 of 2018 for the offence under Sections 465, 468, 471, 420, 423, 466, 472 and 34 IPC. Therefore, there cannot be another complaint for same set of facts. He further submitted that the proceedings of the District Registrar, Trichy in Mu.Mu.No.5403/A4/2019, dated 03.02.2021 was stayed by the Division Bench of this Court vide order made in W.A. (MD)No.785 of 2021 dated 01.07.2021.

4.The learned Government Advocate(Crl.side) appearing for the respondent police, on instructions, submitted that the respondent police has not registered any case as against the petitioner. The respondent police received a complaint from the Sub Registrar, K.Sathanur, Trichy and they called for a report from the learned Judicial Magistrate as to whether for the same set of facts, any case has been registered.

5.The learned counsel for the intervenor submitted that based on the complaint given by his son, a case was already registered in Cr.No.21 of 2016 and final report has also been filed as against this petitioner in C.C.No.298 of 2018. However, this complaint has not been lodged on his instructions.

6.No person can be tried again for the very same cause of action. When the respondent police has already registered a case and also filed a final report, no further case can be registered for the very same cause of action. However, as on date, it appears, on the complaint lodged by the Sub Registrar, K.Sathanur, Trichy in Na.Ka.No.74 of 2021, no case has been registered. Therefore, no further order is required in this petition. Accordingly, this criminal original petition is closed.

sd/-
16/08/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



GNS

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 DEPUTY COMMISSIONER OF POLICE,
CRIME AND TRANSPORT WING,
TRICHY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-5433[I]dated 17/08/2021)

ORDER

IN

CRL OP(MD) No.5045 of 2021

Date :16/08/2021

PKP/JC/SAR-3/23.08.2021/3P/4C