



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.O.P(MD)No.16437 of 2017

and

Cr1.M.P(MD)Nos.10899 & 10900 of 2017

WEB COPY

1.Suthakaran
2.Karthick
3.Premkumar
4.Sundharai

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

Vs.

P.Nagendran

... Respondent/Complainant

PRAYER: The Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.100 of 2017, on the file of the learned Judicial Magistrate, Rameshwaram, Ramanathapuram District and subsequently quash the same as illegal and devoid of merits forthwith.

For Petitioners	: Mr.S.Palani Velayutham
For Respondent	: Mr.V.Balaji

ORDER

The petitioners are the accused Nos.1 to 5 in the private complaint given by one Nagendran and taken on file by the learned Judicial Magistrate, Rameshwaram in C.C.No.100 of 2017.

2. The main ground for the petitioner herein to quash the private complaint is that for the very same set of fact, the concerned police has already registered a case in Cr.No.284 of 2012 against them and filed a final report as against the petitioners 1 to 3 for the offences under Sections 147, 148, 294 (b), 342, 323, 324 and 506(ii) IPC altered into 294(b), 326, 323, 506(ii) IPC. Therefore, he would submit that there cannot be two set of prosecution one through the private complaint and one through the police complaint, particularly, when the private complaint contends embellishment of fact and arraying accused Nos.4 & 5 who were found to be not involved in the alleged offence by the Investigating Officer. It is brought to the notice of this Court that there is also case in counter registered by the police in Cr.No.283 of 2012 against Kalidoss, Nagendran and Ramkumar,



wherein, final report also filed before the same Magistrate on 03.10.2012 by the police.

3. In view of Section 210(2) of Cr.P.C., when there is a complaint case and police investigation in respect of the same offence, both the case to be tried together as if both the cases were instituted on a police report.

4. In this case, in addition, there is a case in counter which also necessarily to be tried together, in view of the fact that no prejudice will be caused to any of the parties if all the three cases are tried together. Hence, this Criminal Original Petition is disposed of directing the learned Judicial Magistrate, Rameshwaram to try all the three cases together and disposed of it, as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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/ /2021

Sub Assistant Registrar(CS)

am

To

1.The Judicial Magistrate, Rameshwaram,
Ramanathapuram District.

2.The Chief Judicial Magistrate,
Ramanathapuram District.

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RJ(CO)
SB(21.12.2021) 2P 3C