



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.1255 of 2019
and
Crl.M.P.No.792 of 2019

1.Manikandan

2.Sivanandan

3.Govindan

4.Krishnamoorthy

... Petitioners

Versus

1.State rep. by
Inspector of Police,
Thirukovilur Police Station,
Thirukovilur.

2.Murugan

... Respondents

Prayer: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the entire records pertaining to the C.C.No.27 of 2016 on the file of the Judicial Magistrate, Thirukovilur and quash the same.

For Petitioners : Mr.R.Gokulakrishnan

For R1 : Mr.R.Vinothraja
Government Advocate(Crl.Side)

For R2 : Mr.M.Gnanamoorthy
for Mr.N.Suresh

ORDER

This Criminal Original Petition has been filed seeking to quash C.C.No.27 of 2016 on the file of the Learned Judicial Magistrate, Thirukovilur.



2. On 29.03.2022, when the case came up for hearing, the learned Counsel for the Petitioners submitted that for the same occurrence there had been case and counter case. The case and counter case had been investigated and two charge sheets had been filed before the same Court viz., learned Judicial Magistrate, Thirukovilur, Villupuram District. The learned Counsel for the Petitioners seeks to quash the charge sheet in C.C.No.27 of 2016 as it is laid before the Court of the learned Judicial Magistrate ignoring the Police Standing Order No.588-A, wherein the Investigation Officer is authorized to investigate and find out, who is the real victim and who is the real aggressor. Instead ignoring the said provisions of Police Standing Order, the Investigation Officer had filed two final reports before the Court of the learned Judicial Magistrate. Therefore, the learned Counsel for the Petitioners seeks to quash the charge sheet in C.C.No.27 of 2016 as it is violative of the said Police Standing Order, wherein these petitioners are accused, whereas they are the original victim. Therefore, this Court sought remarks from the learned Judicial Magistrate, Thirukovilur regarding the charge sheets pending on the file of the learned Judicial Magistrate, Thirukovilur.

3. Accordingly, the learned Judicial Magistrate had offered his remarks. From the remarks, it is found that the FIR had been registered based on the direction of the learned Vacation Sessions Judge, Villupuram Sessions Division, Villupuram in CrI.M.P.No.2650 of 2015, dated 07.05.2015. On the basis of the FIR registered on the direction of the learned Sessions Judge, investigation proceeded accordingly in case and counter case. FIR in both cases and final report laid in case and counter case had been taken on file in C.C.No.27 of 2016 for the offences in Crime No.155 of 2015 under Sections 341, 294(b), 323, 324 and 506(ii) IPC of Thirukovilur Police Station, wherein final report filed in C.C.No.27 of 2016 on 18.01.2016.

4. Similarly, for the FIR in Crime No.156 of 2015 under Sections 341, 294(b), 323, 324 and 506(ii) IPC of Thirukovilur Police Station, final report filed on 12.01.2016 as C.C.No.28 of 2016. In C.C.No.27 of 2016, the learned Judicial Magistrate had examined witnesses P.W.1 to P.W.7 and marked exhibits viz., Exb.P1 to Exb.P3. In C.C.No.28 of 2016, witnesses P.W.1 to P.W.7 were examined.

5. Under those circumstances, when both the charge sheets had been taken on file and trial had commenced and pending part heard, the charge sheet in C.C.No.27 of 2016 cannot at all be quashed. However, the learned Judicial Magistrate, Thirukovilur is directed to proceed with the trial in both the cases and dispose of the same within a reasonable period of three months.



6. With the above direction, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector of Police,
Thirukovilur Police Station,
Thirukovilur.
- 2.The Judicial Magistrate,
Thirukovilur.
- 3.Do Through The Chief Judicial Magistrate,
Villupuram.
- 4.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.N.Suresh, Advocate, S.R.No.25729

Cr1.O.P.No.1255 of 2019
and
Cr1.M.P.No.792 of 2019

KK (CO)
SB (05/05/2022)